



# TOWN OF PORTOLA VALLEY

7:30 PM – Town Council Meeting  
 Wednesday, December 12, 2012  
 Historic Schoolhouse  
 765 Portola Road, Portola Valley, CA 94028

## REGULAR MEETING AGENDA

### 7:30 PM – CALL TO ORDER AND ROLL CALL

Councilmember Aalfs, Mayor Derwin, Councilmember Driscoll, Vice Mayor Richards, Councilmember Wengert

### 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.

### REORGANIZATION OF THE TOWN COUNCIL

- (a) Election of Mayor
- (b) Election of Vice Mayor

- (1) **PRESENTATION** – Emergency Preparedness Committee Report on Emergency Broadcast AM Radio System (3)

### CONSENT AGENDA

The following items listed on the Consent Agenda are considered routine and approved by one roll call motion. The Mayor or any member of the Town Council or of the public may request that any item listed under the Consent Agenda be removed and action taken separately.

- (2) **Approval of Minutes** – Special Town Council Meeting of November 28, 2012 (4)  
 (3) **Approval of Warrant List** – December 12, 2012 (28)

### REGULAR AGENDA

- (4) **Report from Sustainability Coordinator** – Proposed Adoption of a Reusable Bag Ordinance for the Town of Portola Valley (41)  
 (a) First Reading of Title, Waive Further Reading, and Introduce an Ordinance of the Town Council of the Town of Portola Valley Adding Section 8.04.060 [Reusable Bags] to Title 8 [Health & Safety] of the Portola Valley Municipal Code (Ordinance No. \_\_)

### PUBLIC HEARING

- (5) **Report from Town Planner** – Public Hearing for Town Council Review of November 7, 2012 Planning Commission approval of amendments to Blue Oaks PUD X7D-137 and Lot Line Adjustment X6D-214, Lots 23-26, 3 and 5 Buck Meadow Drive (59)  
 (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Approving Amendments to Blue Oaks PUD X7D-137 and Lot Line Adjustment X6D-214 (Resolution No. \_\_)
- (6) **Report from Town Attorney** – Public Hearing Concerning Sale of Town-Owned Property – Blue Oaks lots (103)  
 (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Taking Final Action on the Sale of Town-Owned Property Located at 3 and 5 Buck Meadow Drive (Resolution No. \_\_)

### COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

- (7) **Recommendation by the Bicycle, Pedestrian & Traffic Safety Committee** – Proposed revision to Committee Charter (126)
- (8) **Report from Town Manager** – Recommendation to Consider modification to the Meeting Schedule (128)
- (9) **Reports from Commission and Committee Liaisons** (129)  
*There are no written materials for this item.*

### WRITTEN COMMUNICATIONS

- (10) **Town Council Weekly Digest** - November 30, 2012 (130)  
 (11) **Town Council Weekly Digest** - December 7, 2012 (156)

**CLOSED SESSION**

(12) **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Government Code Section 54956.8

Properties: 900 Portola Road

Town negotiators: Town Attorney and Councilmember Wengert

Negotiating parties: Geoff and Colleen Tate

Under negotiation: price and terms of payment

**ADJOURNMENT**

**ASSISTANCE FOR PEOPLE WITH DISABILITIES**

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

**AVAILABILITY OF INFORMATION**

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

**SUBMITTAL OF AGENDA ITEMS**

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

**PUBLIC HEARINGS**

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

#1

There are no written materials for this agenda item.

PORTOLA VALLEY TOWN COUNCIL SPECIAL MEETING NO. 851 NOVEMBER 28, 2012

Mayor Derwin called the meeting to order at 6:30 p.m. and led the Pledge of Allegiance. Ms. Nerdahl called the roll.

Present: Councilmembers Jeff Aalfs, Ted Driscoll and Ann Wengert; Vice Mayor John Richards, Mayor Maryann Derwin

Absent: None

Others: Stacie Nerdahl, Acting Administrative Services Director  
Howard Young, Public Works Director  
Tom Vlastic, Town Planner  
Leigh Prince, Town Attorney Representative  
Nick Pegueros, Town Manager

ORAL COMMUNICATIONS [6:31 p.m.]

None

- (1) Presentation: Oral Report from Public Works Director on the Town's Current Roadway Network Pavement Condition [6:32 p.m.]

As Mr. Young explained, Portola Valley's paving management system does not arbitrarily or randomly select the streets to work on, but employs technology to help provide a systematic way to inventory all the roads and streets and evaluate their pavement conditions. Going section by section along each road, the system integrates two- and five-year inspection cycles, tracks maintenance efforts and – very importantly, he said – identifies cost-effective treatments to ensure the most efficient use of budgeted funds.

Describing some of the pavement preservation and treatment techniques the Town uses, Mr. Young said that when cracks start to appear, he dispatches a crew to seal them before water seeps in to degrade the pavement. Second-stage treatment is a base repair, during which they grind down six inches in cracked sections and fill the area with asphalt. Some cities stop treatment at that point, he noted, but Portola Valley's standard is to follow the crack-seal and base-repair steps with a slurry seal. He explained that the slurry is a surface coat made up of a mixture of sand and an oil emulsion. He said it's a good and inexpensive measure that lasts six to seven years and prevents the roadway from becoming seriously distressed.

An even more extensive – and longer-lasting – process called case fill involves installing two surface coats, first a chipped-seal layer of fine gravel that gets tacked onto the road, with the slurry seal on top. It protects the roadway for as long as 10 years. Finally, Mr. Young said, the Town does asphalt milling and overlays, creating road surfaces that are between 1.5 and 2 inches thick. He noted, too, that his crews undertake drainage improvements at the same time they're doing road work, changing out culverts as needed.

Mr. Young said that Portola Valley's street and road paving conditions earned a score of 83 on 2011 surveys, required annually by the Metropolitan Transportation Commission (MTC) of all communities within its jurisdiction. MTC uses a pavement condition index (PCI) with a grading scale that goes from zero to 100. A score of 0-25 is considered a failure, 25-50 indicates a poor condition, 50-75 is fair, and 70-100 is good to excellent. According to MTC, which released data from the 2011 survey at the end of October 2012, the Bay Area's regional average has been 66 for the last three years.

And with MTC's long-range target at 75, Mr. Young pointed out, the Town is exceeding it by a good margin. "This is something we've been working on for 10 years," he said, noting that Councilmember Driscoll would recall the start of that effort.

A high PCI mean more than nice-driving roads, Mr. Young said. “The score is something the Town can be proud of, having nice-looking roads in a rural environment. In addition, he said, fewer potholes require fewer resources to fill them, less damage to vehicles and their tires, better fuel economy resulting in lower GHG emissions – and fewer citizen complaints. Portola Valley’s high PCI really reflects the Town’s teamwork, he concluded, indicating that he and Public Works Committee Chair Steve Hedlund would be pleased to answer any questions.

In response to Councilmember Wengert, he said the Town received a rating of 77 on the PCI for 2010.

(2) Planning Commissioner Interviews and Appointments [6:39 p.m.]

- |                   |                      |
|-------------------|----------------------|
| 1. Kelley, Tom    | 5. Targ, Nicholas    |
| 2. Lee, Terry     | 6. Gilbert, Denise   |
| 3. Pierce, Andrew | 7. McKitterick, Nate |
| 4. Reimund, Darci | 8. Von Feldt, Alex   |

Mr. Pegueros explained that while his November 28, 2012 staff report outlines a possible process for interviewing candidates, the process is entirely at the Council’s discretion. He suggested that following interviews, the Council vote for three Planning Commissioners for terms expiring in January 2017, and then vote for the one expiring in January 2016. Mayor Derwin noted that the latter would be in synch with Commissioner Arthur McIntosh, whose term goes until January 2016 also. In response to Councilmember Driscoll, Mr. Pegueros explained that the candidates are listed alphabetically by surname, with new applicants first, then incumbents.

Tom Kelley

Mayor Derwin invited Mr. Kelley to come to the front row, and tell the Council about himself, why he’s applying and what he considers his qualifications.

Mr. Kelley, Franciscan Ridge, said he and his wife, Sharon, moved to Portola Valley in 1972, and it amazes him that driving on Portola Road or Alpine Road now seems pretty much the same as it was 40 years ago. He said that’s a huge tribute to Councilmembers and their predecessors in Town government. Mr. Kelley’s connections to the “old-timers” included Tom Ford – “one of the pioneers” – who was his landlord at 3000 Sand Hill Road for 30 years, and a fellow member of Valley Presbyterian Church for a long time. Bill Lane, who was a tenant in the same building, Mr. Kelley recalled, also went to Valley Presbyterian Church. He also recalled Sue Crane as his first major contact in Town. He didn’t know Bob Brown as well; Mr. Kelley said; he called Mr. Brown “the Thomas Jefferson of Portola Valley.”

Mr. Kelley said he’s been a “professional volunteer” all his life while still running a business. He was elected to the Portola Valley School Board in 1985. He said he told his wife that Silicon Valley politics was like Sunday School compared to school politics in Portola Valley. A long-time time as a church volunteer led to six years’ service on its governing Board. He also served six years on the Board of AchieveKids (formerly Peninsula Children’s Center), a school for autistic and other severely mentally disabled children deemed unable to function in the public school system.

Mr. Kelley also said he was part of the search committee that recruited Dr. Mark Goodman-Morris, who has been Senior Pastor of Valley Presbyterian since 1987, and his wife, the Rev. Cheryl Goodman-Morris. She and Mr. Kelley co-founded the Portola Valley Theatre Conservatory. He spent 13 years as PVTC Board Chairman, he said, while she was – and is – PVTC’s Artistic Director.

Noting that he currently serves on the Board of the Chambers Landing Homeowners Association at Lake Tahoe, which gets very involved in issues related to protecting natural resources, Mr. Kelley said he and his wife are part-owners of five apartment complexes in Davis, too. Because the apartments basically serve as student housing, he said the issues in dealing with the University of California probably parallel those in the Planning Commission.

As a Planning Commissioner, he said he does understand that he'd be on the other side of the table, and would be there to collect input and information and make decisions that are in the best interest of the majority of your constituents.

Mayor Derwin asked whether Councilmembers had any questions for Mr. Kelley.

Councilmember Aalfs asked whether Mr. Kelley could identify one or two land-use trends that he's identified during his years in Portola Valley. Mr. Kelley said he doesn't see a lot of change. When they moved to Town, there were less than 1,500 homes and less than 5,000 people – and he thinks there still are. Despite the fact that the Town Center has been developed, as well as Portola Valley Ranch and Blue Oaks Subdivision, he said that little has changed.

Councilmember Driscoll asked whether Mr. Kelley lives in Town year-round. He said that the family doesn't go to Lake Tahoe often, but he does get some skiing weekends in during the winter. They focus on creating activities that interest their grandchildren.

Councilmember Wengert asked whether Mr. Kelley could think of a situation in which he set aside his own opinions after listening to public input and discussion. As a member of the School Board, he recalled, some parents opposed classes in advanced math and English because they such classes set children apart too early in their lives. He said he sided with the parents at first but the more he learned, the more he came to realize that saying particular children are good in math doesn't label them as good people – they may be terrible in soccer or English. As they grow up, he added, they learn they're good at some things but not at others. Ultimately, he said, he came around to support the advanced studies.

Vice Mayor Richards said residents sometimes come to meetings who aren't happy with what Town officials are doing and express very strong feelings. He asked Mr. Kelley how he would approach situations of that nature. Mr. Kelley said he draws a line at personal insults, and it's important to remain calm when people are emotional about an issue. He said "it's not about personalities. It's about some issue or another." He said he would listen, empathize and make sure the other party understands he or she is being heard, but would keep the personal issues out of it.

Mayor Derwin asked what Mr. Kelley liked best and least about it when he was serving as an elected official (on the School Board). What he liked best, Mr. Kelley said, was that it was a training lesson; the outcome is doing the right thing for children. It was worth it because you watch the children grow up. He said he couldn't think what he liked least about it.

### Terry Lee

After being a Mid-Peninsula resident for 20 years, Mr. Lee, Fawn Lane, said he moved to Portola Valley two and one-half years ago. He's had a 25-year career in public and private service. While his work has been in general management and finance, he said it's really been about listening, empathy and problem-solving – including some experience on nonprofit boards and significant hands-on volunteer service. Thus, he said he feels as if he has some appreciation for the spectrum of service.

Addressing the issue of personal opinion versus governance, he said he understands and has experience with the differences. He also appreciates the difference between "right and wrong" answers, as opposed to "different" answers. Mr. Lee said he also has specific experience with general and specific plans as well as with zoning, including some in Hillsborough and San Mateo. He said he understands some of the issues across the development-versus-preservation spectrum, and his experience covers dealing with open-space issues as well as commercial and residential community development.

He said he's had an opportunity to look at and listen to some of the issues the Planning Commission and the Town Council have considered, including preservation and development issues and affordable housing. He said that he has both experience and interest in such areas, and would like to contribute some of that to the Town's service.

Councilmember Aalfs asked Mr. Lee whether his experience includes applying for a permit or license, for example, and perhaps pushing for something that he wouldn't do if he were on the other side of the table. Mr. Lee said he wouldn't characterize his approach, or that of the organizations he's been part of, as adversarial, or where he thought the interests he represented might not be in the interest of another party or the community he's a part of. In contrast, he said the path he's always tried to take is to go for the common ground and common interest. If something might be perceived as being in conflict. It's probably led us to reflect on why he's asking for what he's asking for, and what are the opportunities to re-characterize in substance, not just in form, to find common interests. That's incumbent.

Councilmember Driscoll said he noted that Mr. Lee applied to both the Planning Commission and the ASCC. In response to asking whether he is still working and spends time elsewhere, Mr. Lee said he's a full-time resident.

In the context of seeking common ground in deliberations, Councilmember Wengert asked what Mr. Lee's focus would be in terms of sometimes-controversial land-use issues. Mr. Lee said that seeking common ground is the burden of the role public servants play. One of the advantages in terms of the Planning Commission would be having the Town's General Plan for guidance, and regulations that relate to zoning and other matters to draw upon and interpret for context.

He said he also has the benefit of experience, not only in Portola Valley but in neighboring communities that may have tackled similar challenges. They may not yield the best answers and the right solutions, but they could provide important context and guidance. He said he comes from a background in which he's learned the importance of listening and appreciating different perspectives. We can't always satisfy everyone, he said, but we can be respectful, good listeners, and not just listening but understanding where the perspectives are coming from, and try our very best to look to the future to make tough choices that will feel good looking backward, but also looking forward. He also said that Portola Valley is fortunate in that people's points of view, while differing, tend to be very well-informed and well-considered.

Vice Mayor Richards asked about Mr. Lee's experience in Hillsborough and San Mateo. He said that as a citizen and a board member of various organizations and working in those communities, he knows what it's like in "real life" what it's like to look for collaborative outcomes. Additionally, he said, he understands guidelines that must be respected, whether in general or specific plans or zoning regulations. It's been an informative process working with those municipalities, seeking those common goals and common ground, and finding multiple opportunities for consensus.

Mayor Derwin asked why Mr. Lee chose to move to Portola Valley. He said he's originally from Seattle, and grew up in Washington, but has now lived in the Mid-Peninsula area longer than he lived there. He first moved to Woodside, then Palo Alto, where he spent most of his 20 years, including a lot of time trying to figure out how to get back to "this side of I-280." He said he and his wife were delighted to be able to find a wonderful residence in Portola Valley, and they love the rural environment.

#### Andrew Pierce

Mr. Pierce said his journey to apply for a seat on the Planning Commission began four years ago, when his mother-in-law moved in with his family. Having outgrown their Palo Alto home, they looked elsewhere in Palo Alto, as well as Menlo Park, Los Altos, Los Altos Hills, Woodside – high, low and in-between – and then they started to lean toward Portola Valley. By the end of the process, he said, "We knew Portola Valley was where we wanted to be." Among the attractions on the list of reasons they chose Portola valley were community goals, the Town plan, its rural nature, the subservience of buildings to nature, the quiet, the starry nights, the wildlife, the preservation of natural attributes over time – and all those things, Mr. Pierce stated, are encompassed within the Town's general policies. In addition to being the reasons his family moved to Town, he said, those also are the reasons he wants to serve on the Planning Commission. "I support what the Town stands for," he said.

Mr. Pierce record of public service includes appointments to the Santa Clara County Human Relations Commission in 1998 and again in 2001, and his election as HRC Chair in 2002 and 2003. The Palo Alto City Council appointed him to its Human Relations Commission, where he served from 1997 through 2003 and was elected Chair in 2000 and 2001.

Locally, he's a member of the Town's Nature and Science Committee, attended the community meeting on affordable housing in July 2012 and meetings on aircraft noise issues, and served on the committee that re-drafted the Portola Valley Ranch's covenants, conditions and restrictions (CC&Rs), which he said gave him excellent insight into different points of view of what people in Portola Valley want the community to be.

Referring to his résumé, Mr. Pierce said he has some experience in below-market-rate (BMR) housing issues, and has explored it from all sides. While on the Palo Alto HRC, he was involved when BMR tenants and owners had issues with the city. As a lawyer, he represented a homeowners association that opposed BMR developments in Santa Cruz. As a government official, he was involved in a development committee in Palo Alto that decided which public housing projects and which private housing projects the city would fund to allow them to build BMR-type properties. Thus, he said, he understands all the different perspectives – neighbors, developers, the community and the government.

He cited his legal analysis as among his strengths for work on the Planning Commission, plus the fact that he's chaired probably 100 or so meetings. A trained mediator with Federal courts as well, helping get people together on resolving issues, Mr. Pierce said he has a good track record as a mediator, and his training and experience enable him to listen to people, understand their interests and reflect their interests back to confirm that understanding. He mentioned a Joe Simitian observation that two kinds of people are called to this work -- those who want everyone to be satisfied and those who want to do the right thing. He said his view of the Planning Commission job is to do what the General Plan and zoning regulations call for and make corrections or suggestions for actions that are necessary in working with variances and differences where it's in the public interest to do so. He said he comes to this with no agenda other than the Town's agenda.

Councilmember Aalfs asked whether Mr. Pierce applies any particular guiding principles he applies in situations when he's been on both sides of an issue such as BMR housing. In response, Mr. Pierce said he understands ABAG wants us to do certain things, and almost every community has issues with it. We can probably accomplish what state law requires, if we approach it with a good will, intelligence and creativity. That's probably the only overall perspective he has on the issue, Mr. Pierce said, aside from the importance of thinking long-term for the interests of the Town as well as residents and future residents. When units are built, he said, people have to live in them for a long time.

Councilmember Driscoll asked whether anything would interfere with Mr. Pierce's consistent attendance at Planning Commission meetings twice a month. Mr. Pierce said his law firm has a two-year lease, so he's not going anywhere. His wife isn't about to retire, he doesn't go out of town often, and he has a good track record for attendance. Councilmember Driscoll also asked whether Mr. Pierce represents any Portola Valley clients who might appear before the Planning Commission and thus cause him to recuse himself from a discussion. Mr. Pierce said no, adding that in recent years, nearly all his land-use cases have been in Santa Cruz County – with similar issues of traffic, wildlife, density, etc. – but in Boulder Creek or in Watsonville. In Town, he said, he's stayed away from issues at The Ranch, etc., to avoid creating conflicts where he lives.

Councilmember Wengert, commenting that the adaptation of the General Plan to reflect changing circumstances in Town would be central to the Planning Commission's role in the future, said that one thing that's very likely to happen for the Planning Commission, ASCC and the Town Council will be understanding and trying to get a pulse on what the majority of the community wants. Against that backdrop, she asked how Mr. Pierce would approach gathering input. Mr. Pierce said he believes Portola Valley is undergoing some demographic changes, becoming a little more diverse, and some more recent arrivals may think differently from long-time residents. For example, he noted that residents of The Ranch aren't horseback-riders because The Ranch community isn't allowed to have horses.



Mr. Pierce said we have to make sure we reach the newer people, many of whom are very busy and not as involved in local issues. Their perspectives are important, he stressed, and those of people who have lived here 20, 30, 40 or 50 years are equally important. “But we’re not the same Town as Bill Lane started out in,” he concluded.

In response to Vice Mayor Richards, Mr. Pierce said he’s not the only one who moved to Portola Valley because of the Town ethos; everybody he talks to who moves here moved here for that reason. Affluent people have plenty of places to choose to live besides Portola Valley – but Los Altos, Los Altos Hills and Woodside are different. He prefers Portola Valley, and people he knows who have moved here in the last five years tend to be like him – people who have chosen to be here. Going forward, he can’t imagine residents favoring high density, or making dramatic changes. However, he added, we may need to do some things in terms of changes for people who live here later in life, and we may need to make some changes for families. Mr. Pierce said he doesn’t have an agenda for that, but believes the General Plan must evolve and take into account different perspectives.

Mayor Derwin said she liked Mr. Pierce’s Joe Simitian quote about the two kinds of people who do this work – those who want everyone in the room to leave happy and those who want to do the right thing. She asked Mr. Pierce which group he identifies with. You try to send people home happy, and want them to know they’ve been listened to, he said. “If you can make them happy, that’s a good thing.” He said many people who come to a public meeting are unhappy with the status quo. Citing his HRC work, he recalled people who were very concerned about police brutality, bias, racism or homophobia, or questioned what the city or county was doing in terms of funding. In many cases, he said the HRC didn’t have the power to help them, but we could at least let them know we heard and understood their concerns and would pass them along. We didn’t just say we would pass it along, but actually do it.

With the Planning Commission, Mr. Pierce said he expected part of the job would mean to go to the Town Council on issues beyond the Planning Commission’s scope. He said he’d do what is legally required and in the long-term interest of the Town, as well as try to educate people and work with them, understanding that many times they’re very upset when they come to you. He said he has a lot of sympathy for property owners who are in a box, having to bring that to the Commission, but he also understands what the law requires. He would do what he thinks is right in matters where discretion is given.

#### Darci Reimund

Ms. Reimund, Grove Drive, said she’s a native Californian who moved to Portola Valley three years ago because the Town is the “perfect cross-section of man and nature.” Driving from I-280 west, she said she feels stress melting off. She came to love Portola Valley through exploration of the area, commuting between San Francisco and Silicon Valley – where she worked in technology for 18 years. As she drove I-280, she said she’d stop in Town to hike or run and hoped to one day live here.

Ms. Reimund said she came to love nature when living in Colorado, where she gained a huge appreciation for the balance between keeping what’s special about a place and allowing for growth to occur. She lived in Boulder, which underwent a lot of tough decisions, and was involved in a group advocating preservation of open space and keeping what was special about Boulder.

Among four reasons for deciding to apply for a seat on the Planning Commission, Ms. Reimund said she’d like to:

- Provide perspective for her generation and her demographic on the Planning Commission as it makes some hard decisions to meet the evolving needs of the community, making sure all voices are heard.
- Provide innovative ideas and thinking outside the box to balance the pressures to develop and the pressures to avoid development.

- Represent strategic thinking to create great opportunities for great outcomes; citing her technology work and current work role as well; her experience of strategizing for new high-tech designs, products and launches called for thinking about what we're trying to achieve and working through a lot opinions to get to the right results.
- Collaborate with community members on develop policies about preservation and growing forward; she said Portola Valley gives us a "wonderful tapestry" and opportunity to really think about where we're going in the future and how we're going to get there.

Councilmember Aalfs referred to Ms. Reimund's experience with the ASCC process when he served on the ASCC (in 2011), asking whether anything from that experience left her with any general lessons that might guide her as a member of the Planning Commission. She said the biggest lesson was about the need for more information going into the process. As a community member, she didn't feel as if she had all the information she needed to understand the process and be effective in it. Being on the other side of the table, she said, one of her biggest goals would be, as we go through these complicated issues, determining what we need to know and communicating effectively with our community to be as transparent as possible, make informed decisions and come up with a positive resolution together.

Councilmember Driscoll asked whether Ms. Reimund has any issues with participating in Planning Commission meetings twice a month and whether she foresaw any potential conflicts of interest that would require her to recuse herself. She said no. In response to a further question as to whether she has any strong opinions on issues currently facing the Planning Commission, she again said no – "that's why I'd be a perfect applicant. I'm here to make the best decision possible."

Councilmember Wengert asked the same question she posed to Mr. Kelley, requesting an instance in which Ms. Reimund came into a discussion with a strong opinion and changed her mind. First and foremost, Ms. Reimund said, when there are lots of opinions in the room, we have to weigh all these opinions and can come to a common ground if you're creative in your solution. Recently, with one of her clients, she said there were varying opinions about product design and features, strategic marketing content, news releases, etc. She said it got very complicated, and everyone was very passionate about their views. She explained the way they came to the solution was by focusing on the problem they were trying to resolve to answers, taking steps back and coming to some compromises. She said if in heated moments you can get the collective group to look at what you want to solve, people will provide a good solution. Furthermore, she said, they'll be okay with the compromise because they know they're helping to get to the right solution.

Vice Mayor Richards said the General Plan needs some innovative ideas and asked if she had anything to offer on that score. Referring to one of Mr. Lee's comments, Ms. Reimund suggested the concept of home-based businesses was worth exploring. A lot of small businesses are getting started in homes, she said, but they aren't allowed to do anything other than perhaps produce the product there. There might be times a startup would want to bring in a working group but that isn't allowed. It would be great to address that, Ms. Reimund said, especially with the younger, super entrepreneurial demographic coming into Town.

Mayor Derwin asked Ms. Reimund to expand on her ideas about reconciling demands for open-space versus development. She said she favors protecting Portola Valley's natural resources and open spaces, because that's what makes the Town special. At the same time, she said we also have to understand that a lot of people who work in the community can't afford to live here; and need to resolve that.

#### Nicholas Targ

Mr. Targ, Hayfields Road, said that he, his wife Elise and their son Bobby, who now attends Ormondale Elementary School, have lived in Portola Valley three years but his relationship with the Town extends further into the past. He said that he grew up for the most part in Palo Alto, and had the privilege of being able to do a lot of creek-walking here, deepening his love for and interest in nature. When their son was

about two years old, Mr. Targ said he realized he wanted Bobby to have the same kind opportunity that he had, catching lizards, finding newts and growing up in a natural environment. That led to the Targs decision to move from the Washington, D.C. area to Portola Valley. Mr. Targ said, too, that he's spent a lot of time thinking about land-use planning issues, probably starting with his parents' development of the Hayfields project many years ago.

As Mr. Targ put it, the Town is at an interesting point, having been founded nearly 50 years ago – just about two generations – and now some transitions are becoming more pronounced. It's an interesting time, he said, and an important time to look to the General Plan and take stock of where we are and some of the issues that are coming to bear. He said he sees changes in demographics, new people moving in, a new spirit and new attitude. It's also become much more expensive, he said; in fact, the whole Bay Area is becoming more expensive. The jobs-housing balance up and down the Peninsula is one of the most skewed in the entire country, he said, a fact that's reflected in the land prices as well.

Mr. Targ said he's spent his entire professional career thinking about issues of land use, environment and natural resources. He earned law degree from Boston College and studied land use at the Massachusetts Institute of Technology. Just out of college, he said he had a brief stint as a land-use planner in Santa Cruz, exploring how emerging technology companies would affect Santa Cruz. At that time, he said, people didn't have a good sense of what the tech industry was about or what it might mean in terms of the development of Santa Cruz. He said they basically formed a focus group to bring together people from different sectors – environmental, real estate, the tech industry, labor – to take stock of the situation. Through those of conversations, through pulling people together, he said, they were able to reach common understanding and ultimately modify the General Plan and amend the zoning code. "It was an entirely consensus-based exercise," Mr. Targ said. He said that fine attention to detail, outreach and engagement have been hallmarks of his entire professional career.

Citing other examples, he talked about working for the Department of the Interior's Office of the Solicitor for about six years, much of the time spent on water-rights issues. He mentioned a quote often attributed to Mark Twain: "In the West, liquor is for drinking; water is for fighting." The issues of precious resources for environmental purposes versus those of ranchers whose properties had been in their families for generations weren't always resolved, but they always involved through long processes of sitting down with and talking to people and trying to understand what their interests were, he said.

At the U.S. Environmental Protection Agency Office of Environmental Justice, Mr. Targ said, he worked frequently on permitting issues involving low-income communities and communities of people of color. Sometimes long histories of animosity and discrimination came into play, as well as the people in those communities trying to pull themselves back together.

In a more recent example from his practice as a land-use and environmental lawyer, he discussed a project in the East Bay that involved redevelopment of a superfund site that had a tremendous history of environmental injustice and lack of understanding, with segregated housing where people of color lived in labor housing near a sulfuric acid manufacturing facility – on the "smoky side, while the whites lived on the other side." To deal with the very strong feelings, he said they established an advisory group to the project. In his experience, Mr. Targ said, "a well-educated group of residents is the best strength you can have, and I think that's true both from the municipal side and the citizens' side for a development."

In closing, Mr. Targ said he's also had a fair amount of experience with affordable housing, including siting issues and some of the attendant controversies. He could also bring that to the table as a member of the Planning Commission.

Councilmember Aalfs asked Mr. Targ to elaborate on his consensus-based approach. Mr. Targ cited another East Bay project as an example. It started off being about 300 units planned for an old nursery site, he said, when a lawsuit came forward that the dilapidated greenhouses were in fact historic treasures established by Japanese families that immigrated at the turn of the century. After World War II internment, he said, the patriarch – the first person of color to be president of the San Francisco Flower Market – came back and controlled the property.

Reconciling the property's historic aspects with the development was only one issue, Mr. Targ said. The neighbors didn't want to be looking at a contaminated, dilapidated old nursery, but they were concerned about what would be developed there. The upshot was that Mr. Targ's team sat down with the Japanese families to learn about the historical aspects of the property and worked with the people in the community who valued the history of the industry and what it represented. They also worked in charettes with neighbors, trying to get a handle on what a good project would be. Ultimately, he said, the project refurbished and repurposed three of the historic greenhouses, preserved a good portion of the property for urban agricultural purposes that would serve the community, and pulled the project back from the street to create some playing areas. It's a certified LEED-ND project, Mr. Targ said, and they're breaking ground on it now.

Councilmember Driscoll asked Mr. Targ to talk more about the charette experience and the idea of involving the public in projects, and whether that might work in Portola Valley with affordable housing. Mr. Targ said every project needs to be taken on its own merits. He's been the attorney, not the planner, but he likes the charette approach because it's really important for people to understand what's being proposed, what can be proposed, and for the developer – whether a municipality, a nonprofit or a corporate concern – to understand the design principles the community wants. Mr. Targ said he's a strong believer in good design; and in a sense is more concerned about good design and good performance than intensity. Mitigation and alternatives analysis can produce excellent projects in unexpected ways, he said. "Being able to put a face on a project and look at alternatives in tangible ways is really important," he stated. He said that he's currently representing a municipality in regard to permitting for a large industrial facility, and they're holding a series of educational sessions before the EIR hit the street, so that when it does, people will be able to understand the various aspects of the project more fully than the design document with the EIR. That sort of "prequel" gives people an opportunity to learn and to participate very fully, he said.

Councilmember Wengert asked what Mr. Targ expected the greatest challenge to be on the municipal side of the table. He said that about half of his practice currently involves representing municipalities, including major wholesale updates on general plans – for which he's also used a highly participatory, community-based approach. The perspective may differ, he said, but his approach would be the same. "In all the hard projects," he stated, "it's about listening, collaboration, interest-based, trying to make sure the facts are on the table as clearly as they can be, so we don't miss an opportunity to find the synergy or a common basis for moving forward. The question is how to find elegant solutions to bring that crucial alignment to bear."

Mayor Derwin asked Mr. Targ to expand on his comment about the region's jobs-housing imbalance. From a political, economic and land-use perspective, this is a fascinating area to live in, he said. Axiomatically, provided that Silicon Valley continues what it's been doing for the last 30 to 40 years, he explained, the simple scarcity of property will make it a more expensive place to be. To some extent he attributes that to the desirability of living in places that haven't been developed, but housing prices also demonstrate the lack of unmet needs. With land pressures such as these up and down the Peninsula, he said he anticipates tremendous growth up and down El Camino Real, which will change traffic patterns in Portola Valley as well as accelerate a turnover in population in Portola Valley as prices climb.

It's also going to attract a more affluent populace to Portola Valley, he said, which may well reflect a different set of occupational and living needs that need to be addressed. Growing numbers of entrepreneurs and serial entrepreneurs with small businesses in Town may necessitate revisiting permissible uses within residential areas, he said. And in terms of affordable housing, he added, the requirements must be observed. How they are observed and whether they're observed well – through good planning and good design – will be one of the things the Planning Commission and the Town Council must confront and are confronting at this point.

## Incumbents

Mayor Derwin invited incumbents to make remarks. Commissioner Nate McKitterick said it's been an honor to serve with Leah Zaffaroni (who was in the audience). The Planning Commission and the Town will miss her experience, her knowledge of the General Plan, her attention to detail, the way she handles things. His thanks to long-time Planning Commissioner Zaffaroni, who was elected Vice Chair in January 2011, triggered a round of applause. Mayor Derwin said there would be another opportunity to thank Ms. Zaffaroni at the Volunteer Appreciation Part on November 30, 2012.

Mayor Derwin asked whether the Council had any questions for the incumbents.

Councilmember Wengert said she'd like to know how the Town Council – now and in the future – can help make the Planning Commission's job easier and clearer, and to describe some of the issues in that regard. Planning Commission Chair Alexandra Von Feldt said the Planning Commission has had a few experiences in which the Planning Commission didn't know exactly what the Town Council intended on a certain issue. For the most part, she said the two bodies have a good, mutually supportive relationship, but there have been a few discrepancies. Joint working sessions once or twice a year might be a good idea, and possibly tabling certain items until they could get all the ideas on the table together. Mayor Derwin said there would be a joint session in June 2013.

Commissioner McKitterick said he concurred with Chair Von Feldt, that some issues raised during Planning Commission meetings might be appropriate for Council to consider more proactively.

Mayor Derwin thanked all the new applicants and the incumbents. She said the amount of talent is extraordinary, and so is the willingness to serve considering how difficult a time it is to govern – as the incumbents would attest. She said the show of interest is impressive and humbling. Councilmember Wengert agreed, adding her thanks and encouragement for the applicants' continuing willingness to volunteer.

## Voting

The first vote, Mayor Derwin explained, would be for three candidates for four-year terms. Following tally of paper ballots, Mr. Pegueros announced that the Council re-appointed incumbent Planning Commissioners Gilbert, McKitterick and Von Feldt to four-year terms expiring January 2017.

The second vote was for the Planning Commissioner who would serve out the remaining three-year (expiring in January 2016). The Town Council selected Mr. Targ. Mayor Derwin congratulated him and thanked the other candidates, encouraging them to remain active as committee members or join a committee, and certainly come back again.

### (3) ASCC Interviews and Appointments: [7:37 p.m.]

- |                      |                  |
|----------------------|------------------|
| 1. Dyson, Tim        | 6. Wilson, Jane  |
| 2. Lee, Terry        | 7. Breen, Danna  |
| 3. Pedersen, Elin    | 8. Hughes, Craig |
| 4. Plunder, Marianne | 9. Warr, Carter  |
| 5. Ross, David       |                  |

## Tim Dyson

Mayor Derwin said she understood Mr. Dyson to be in London and thus unable to attend the meeting. He grew up in England and moved to the U.S. in 1995. He and his wife, Julie, a member of the Portola Valley Schools Foundation Board, have three young children. They live on Willowbrook Drive. He is CEO of Next Fifteen Communications Group Plc, a publicly traded marketing communications organization with offices around the world. Excerpts paraphrased from his application letter follow:

Over the years have been involved in numerous home construction projects in Europe, Washington state and California. I love participating in, and witnessing the design and development of civic, commercial and residential properties. But my interested in serving on the ASCC is not simply to get involved in construction projects. It is very much centered on the town of Portola Valley and the impact development can have on the community. Having lived in Palo Alto for over a decade I saw first-hand the impact such development can have in both positive and negative ways.

Portola Valley is a very special place, which despite its affluence has retained a small-town feel and values that reflect small town roots while also embracing the more progressive thinking that its citizens have brought with them. I would love to play a role in helping the Town navigate the challenge of balancing the needs to evolve, while retaining the core values and assets that make it so special.

### Terry Lee

Because Mr. Lee introduced himself as a Planning Commission applicant (Item 2), Councilmembers began with questions they wanted to ask.

Councilmember Aalfs asked Mr. Lee about the nature of his background in building design and his involvement with The Nueva School.

As a current COO/CFO of The Nueva School, Mr. Lee said he's responsible for its 33-acre, multi-building campus in Hillsborough, with facilities ranging from 100-year old historic structures to new LEED Gold-certified buildings, and is helping drive the design and development of a new three-acre, LEED-certified, multi-building campus that's under construction in San Mateo. He said he's also involved in updating The Nueva School's master plan as well as developing plans for both the existing facilities at both campuses.

Councilmember Driscoll, referencing his earlier question of Mr. Pierce, asked about Mr. Lee's experience with charettes to involve the public in the design process. Mr. Lee said he's highly in favor of charettes, explaining that they used that process at Nueva over a three-year period, as they explored updating the master plan as well as to re-interpreting architecture at the new site for the high school. It's been a very important part of the process to invite participation from all constituents, he said – from the general community, from the school and alumni community, from the San Mateo staff, not just in planning and building, but also in public works, fire and police. He said the project involves dealing with many types of communities and environments in terms of design, re-design and new development, and it's been very beneficial to have all the input.

Councilmember Wengert said one of the differences between the Planning Commission and the ASCC is that the ASCC frequently has "extracurricular" site visits that can be challenging time-wise to Commissioners who are working full-time. She said there also are frequent cases of individual Commissioners being asked to follow up on specific projects. She asked whether those additional obligations would be difficult for Mr. Lee. He said he's confident that it would be manageable, adding that he's been involved in various community initiatives over many years with no problems.

Another difference between the two bodies, Vice Mayor Richards said, is that the ASCC more detail-oriented than the Planning Commission, and that people tend to get emotionally involved. Mr. Lee said that details matter, and as much as we try not to make things personal, empathy for specific personal aspects is important to consider when interpreting regulations in a responsible way. At The Nueva School, he said serving 300 different families, which equates to about 300 different perspectives, represents rich diversity and many different personal interest. Applying and accepting the diverse personal perspectives while still representing the interests of the community at large is at the heart of what we're talking about, he said.

Mayor Derwin asked how Mr. Lee feels about protracted discussions related to, for instance, someone's tree, or a portion of a fence. Mr. Lee said that as a homeowner, he can bring personal experience to such discussions, because with trees and fencing on his property, those are two topics that surface when it

comes to getting along with neighbors. Furthermore, he said, the ASCC isn't about an institutional perspective, it's about appreciating and respecting the individual issues and opportunities that come to the fore, and it's important not to lose sight of the needs of the people you're serving. It's the community, but the community comprises individuals and families. He said that as an optimist, he expects that the people he'd deal with come in with sincere, not capricious, perspectives and it's very important to care about the things they care about.

### Elin Pedersen

Ms. Pedersen, Golden Oak Drive, said she's a native of Denmark who moved to Bay Area 20 years ago but is "quite a newcomer," with only six years in Portola Valley. As a research scientist at Google, she focuses on human- and social-centered designs of technology and has developed a research practice that augments innovation with observations of and contextual interviews with people. Engaging users in the process of design, she explained, calls for trying to understand the user's emotions, desires and inner needs. She said that is similar to a lot of what the ASCC does.

In addition, Ms. Pederson described herself as "a serial remodeler," and being involved in other people's projects might save her a lot of money. On a more serious note, she said she's taken a very "incremental" in designing, in that she likes to understand the essence of the site, of the buildings, and then bring that essence to the fore. She suggested this actually might be a new area of activity for the ASCC and the Town in general. As she sees it, the large numbers of houses from the 1950s that are outdated don't necessarily have to be torn down and replaced with modern, 6,000-square-foot homes. She said she wondered whether the Town could be more proactive in preserving the smaller, more human scale when putting up houses, which would be consistent with sustainability and trends around the world.

Councilmember Aalfs asked whether Ms. Pederson could translate the user-centered information-gathering focus in her work to the ASCC. She said sometimes people come in with a certain preconceived idea of a problem or issue, but if you listen very carefully – listen "behind" what is being said – you often find that the problem is somewhere else.

Councilmember Driscoll observed that the charette process might be similar to the human design process. Ms. Pederson said the tradition for innovation technology in Denmark is extremely participatory, involving users and other stakeholders in the process from the very beginning and goes through the design phase, to give them a hands-on sense of what they're discussing. The entire process is very much driven by the trade unions, she added, and it's in the repertoire to identify who should be involved and also orchestrate the process so as to elicit special insights that people might have. She said it wouldn't be difficult to translate that approach into what the ASCC does, because, as she pointed out, we all do design in some way, and design is about thinking in such ways. As well, if there were no such ways, it wouldn't be fun.

Councilmember Wengert said one of the toughest jobs the ASCC deals with is understanding myriad codes, types of vegetation and so on, and to her recollection, the best ASCC members possess almost encyclopedic knowledge of much of it. Ms. Pederson said the contractors she works with complain that she knows too much. She attributes it to her scientific nature. "I really want to understand things," she said. "Why is this room here? What is the data?"

Vice Mayor Richards inquired about how Ms. Pederson might promote the trend toward smaller-is-better in ASCC. She said it would be interesting just to go through old cases and see consider, for instance, what might have been options to tearing down old ranch-style houses. Were there any things the Town could have done to encourage remodeling that preserves the basic philosophy of the house versus reconstruction? "Many of these houses actually are wonderfully designed," she said, noting that there are ways to bring that beauty out into the open and show it off. Further, she said the ASCC could encourage architects and contractors in Town help think about how to further the idea.

Mayor Derwin said one of the challenges ASCC faces is that they cannot legislate aesthetics. She very much applauds Ms. Pederson's interest in smaller houses, but some occupants would continue to envision and build large dream houses, some with features that others might consider hideous. Ms. Pederson said design guidelines are one way of providing some very good advice when people are thinking about their dream homes. I could encourage other things, she said, "but if that's what they want, who am I to say that this is not the right thing?"

#### Marianne Plunder

Ms. Plunder, Kiowa Court, said she earned her degree in mathematics and computer sciences, and worked for about 27 years in a high-tech environment, with companies such as Hewlett-Packard and Apple and startups. Currently Conservation Committee Vice Chair, Ms. Plunder previously chaired Community Events and Emergency Preparedness Committee. She said she could "hit the ground running" with an appointment to the ASCC, because she's very familiar with its process as the Conservation Committee liaison with the ASCC. She said she works closely with the Commission and Town staff as well, and know their procedures.

In addition, Ms. Plunder said she is very detail-oriented, very process-oriented and very execution-oriented. She also said she's very good at listening and processing ideas very quickly, although she doesn't consider herself as having great ideas. Although she wouldn't be a great serial entrepreneur for that reason, she continued, she gets along with them and works well with them.

In response to Councilmember Aalfs, Ms. Plunder said that attending ASCC meetings every two weeks, plus site meetings, she's seen mostly reasonable requests presented. She said it's usually just a question of understanding where a person is coming from. She cited a simple example. Maybe a tree is keeping the sun out. If you understand why this person wants the tree down, it's easier to talk with the parties about the tree, the height of the house, whether it's too visible from one side. If you hear what everybody has to say, understand and process it, usually you come to a reasonable solution, she said. Sometimes you have to make a decision people aren't happy about, but you can't make everybody happy every time.

Councilmember Driscoll asked whether Ms. Plunder has ever used a charette process. She said all she knows about the process is from the Town Center experience, and she thought it worked very well.

Given her history on the Conservation Committee and Emergency Preparedness Committee, Councilmember Wengert asked Ms. Plunder what prompted her to apply for the ASCC position at this time. Ms. Plunder said she's always loved construction sites. When construction sites were still open, without fences, she said she used to go to them every weekend, Sundays in particular. She said that she's always had her sights set on ASCC. "But I'm not an architect," she explained, "so I needed to build up to it. I think I have – and I'm ready."

#### David Ross

Mr. Ross, Canyon Drive, said he wouldn't spend much time reviewing the materials he submitted, but pointed out that his most relevant experience to serving on the ASCC was four years' service on Palo Alto's Architectural Review Board, including three years as Chair. He said his experience has familiarized him with all the issues and difficulties referenced in tonight's applicant interviews. On the mechanical side, he's been involved in the construction industry for 35 years, which has given him a deep nuts-and-bolts understanding of construction issues as well as plan-reading skills, the sort of mundane things that can be a big factor in preparing for a meeting or trying to understand how a ridge line relates to a daylight plane, for instance, and whether a decomposed granite path is consistent with the site's topography, etc.

Mr. Ross said he started his construction career as a carpenter and worked through all management roles in a construction firm. For the last 10 years, he's worked strictly as a construction consultant, primarily serving as a construction expert witness in litigation. Fortunately, he said, most construction litigation matters settle before they get to court, so he doesn't have to testify often. He said his great



passion in his work life is helping clients and their adversaries find ways to reach resolution without going all the way through the litigation process. He is also an experienced mediator, with certification in civil mediation from the National Judicial College at the University of Nevada.

As a member of Palo Alto's Comprehensive Plan Advisory Committee and Architectural Review Board Mr. Ross said he's found that the review process usually contributes to and improves a project. He said he's familiar with the working tensions of competing priorities, between the review body enforcing regulations and listening to arguments about exceptions and making some aesthetic judgments. Giving applicants an opportunity to respond to those constraints is a great way to improve a project, Mr. Ross said. It can be stressful for everybody involved, but it's usually a positive sort of stress. One of his goals in joining the Palo Alto ARB, he said, was to improve the efficiency of the process so that the meetings were shorter.

Councilmember Aalfs asked what most surprised Mr. Ross about working on the ARB. Mr. Ross said the big surprises weren't really in transformations of either a project or board member positions on projects but rather the attention diverted toward issues that weren't central to the project. He said it was disappointing that an applicant might have to come back to the ARB several times about issues that he (Ross) considered relatively inconsequential. He said there was a sense of surprise that the intelligent people on the board and the intelligent people submitting the application weren't able to back away from their intensity in focusing on small items.

Councilmember Driscoll asked Mr. Reed for his thoughts about a public design process involving charettes. Mr. Reed said he hosted and participated in charettes in Palo Alto. During his construction career, he said, he developed a large number of good relationships with design professionals and always thoroughly enjoyed collaborating with them and members of the public in bringing ideas forward. In his view, Mr. Reed said, the charette process works very well for some types of projects, but is completely unsuited for others. "My only caution about charettes," he said, "is that at times it's not the appropriate forum." A proactive design charette around particular issues or projects is something the ASCC could contribute, Mr. Reed said, and it would be a wonderful idea to pursue if the Town were interested. He also suggested a charette or two focusing an educational piece for interested members of the public, and a participation piece for generating good ideas.

Councilmember Wengert asked Mr. Reed how he'd compare and contrast Portola Valley's set of rules and regulations to that in Palo Alto. Mr. Reed said the Palo Alto ARB reviews commercial, retail and public projects, but residential projects only if they contain three or more units and under special circumstances as in an open-space district. Signs were big issue in Palo Alto, he said, with the city's sign ordinance alone probably more voluminous than all of Portola Valley's design guidelines. Palo Alto is an extraordinarily process-oriented community, he explained, with the process all codified in those rules. The rules have been expanded and modified over time, but rarely is anything subtracted. "It's a really, really big book," he said. Not only does he consider Portola Valley's regulations more streamlined but also in some ways providing more latitude for creativity.

Vice Mayor Richards mentioned an applicant having to come back three times over insignificant issues. He recalled his time on the ASCC years ago, and he found it very frustrating, trying to move things along. At what level does Mr. Reed feel it's appropriate for the ASCC to offer design advice. Mr. Reed said members have to their roles and the ASCC's purpose in their own minds. Personally, he said, the body exists to prevent harm to the community and the environment. That done, he'd consider it his duty to do no harm to the project. "Each project brought forward results from considerable creative thinking, tradeoffs between budget and design constraints and design wishes," Mr. Reed said, "and to be arbitrary about design issues that don't violate standards is improper. On the other hand, at times it is appropriate, when something simply isn't working, to engage in a dialogue that helps provides some opportunities for someone."

According to Mr. Reed, Portola Valley's biggest need is careful siting of landscaping and attention to hardscaping, leaving the style of details of the architectural design itself alone for the most part. He said he knows many of the architects who design these projects, and their desire is to be respectful with their

design. The biggest thing the ASCC needs to ascertain is that the design is placed on the site in such a way that its relationship to the neighbors is optimal. He said he wouldn't shy away from expressing opinions, asking whether certain options had been considered or introducing a few ideas, but he doesn't see the ASCC as a venue for redesigning people's projects for them.

Mayor Derwin asked what prompted Mr. Reed to apply at this time. Before moving to Portola Valley just over 10 years ago, he said he spent 15 years deeply involved in civic affairs in Palo Alto – probably half a dozen boards or committees simultaneously, all of them time-consuming. Because he said he doesn't take commitments lightly and doesn't miss meetings, he got somewhat burned out. Moving to Portola Valley gave him an opportunity to recover his wit and recharge his batteries, he said, adding, "I feel pretty recharged. Now seemed like a good time to really get involved." Mr. Reed said, too, that he has a very flexible career now as a consultant, and his time is his own to schedule for the most part. He said he has a good understanding of the ASCC workload and what it means, and it would be a good fit for him.

### Jane Wilson

Ms. Wilson, Cresta Vista Lane, said she moved from England to Portola Valley nine years ago, has been an active volunteer, and wanted to continue serving the community in a role that helps maintain the Town's unique qualities and vistas, as it moves forward with technological advances that also help sustain the environment for future generations.

Councilmember Aalfs asked if anything in particular about the ASCC appeals to Ms. Wilson. She said she enjoys architecture and construction, and places a high value on open space, along with the local panoramas and wildlife.

Councilmember Driscoll said he's unfamiliar with Ms. Wilson's work, and inquired whether she'd have any potential conflicts – projects or buildings she manages – that would require her to recuse herself. She said there would be no problems in that regard. She has owned and managed properties for 28 years, working with many craftspeople and contractors for remodels and general maintenance. Although most of the properties are historically listed and subject to strict conservation laws, she said she's been involved in a number of new constructions as well, and is well-acquainted with architectural plans.

In response to Mayor Derwin, she said she'd served on public commissions involved in conservation of historic buildings and vistas and site planning.

Councilmember Wengert asked if Ms. Wilson is at risk of burnout due to all the things she does for Portola Valley. She's been on the Friends of the Portola Valley Library Board (seven years); on the Parks and Recreation Committee (three years); serves as President and Vice President of Portola Valley Parent-Teachers' Organization (three years), co-chairs the Portola Valley Holiday Fair (four years) and is an "ad hoc volunteer" for Blues & Barbecue; book fairs and gala auctions at the Portola Valley Schools. She served on the Portola Valley School District's 150th Sesquicentennial Committee; and participates in local fiber arts groups. In addition, Ms. Wilson has been involved in volunteer support and fundraising for the daylighting of Sausal Creek and the Peninsula Open Space Trust.

### Incumbents

Mayor Derwin invited incumbents to speak.

Carter Warr thanked the Council for his 21 years serving on the ASCC so far. He said he's enjoyed his participation. Oftentimes preparation isn't fun, and oftentimes meetings aren't fun, he added, "but it always felt as if the Town is better off because I was there."

Danna Breen said she wrote only a single-sentence letter to re-apply for a seat on the ASCC. She said she wears the "landscape hat" on the Commission, and over time the look of the Town has changed more due to landscaping than architecture, and the Town is at a critical place with adolescent landscape. She

thinks there are a lot of changes, and it's important to stay on the ASCC because of landscaping issues and to keep the experience of the land itself pristine.

### Voting

Thanked all the applicants for their interest and noting that the candidate pool was excellent, Mayor Derwin said the Council would vote on three applicants to serve four-year terms on the ASCC. Following a tally of paper ballots, Mr. Pegueros announced the Council had reappointed incumbent ASCC Commissioners Breen and Hughes and appointed David Ross to terms expiring January 2017.

Mayor Derwin thanked Mr. Warr for his 21 years of service.

### CONSENT AGENDA [8:45 p.m.]

- (4) Approval of Minutes: Special Town Council Meeting of November 14, 2012 [*removed from Consent Agenda*]
- (5) Ratification of Warrant List: November 28, 2012 in the amount of \$324,014.58
- (6) Recommendation by Acting Administrative Services Director: Resolution Concerning Citizens' Option for Public Safety (COPS) Funding 2012-2013
  - (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley continuing the Supplemental Law Enforcement Services Fund through Citizens Options for Public Safety Program and maintaining a separate Budget Account for 2012-2013 Fiscal Year (Resolution No. \_\_)
- (7) Recommendation by Mayor: Town Manager Employment Agreement
  - (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley approving and authorizing execution of Amendment No. 1 to the Town Manager Employment Agreement between the Town of Portola Valley and Nicholas Pegueros (Resolution No. \_\_)

By motion of Councilmember Wengert, seconded by Councilmember Aalfs, the Council approved Items 5-7 on the Consent Agenda with the following roll call vote:

Aye: Councilmember Aalfs, Driscoll, Wengert, Vice Mayor Richards, Mayor Derwin

No: None

- (4) Approval of Minutes: Regular Town Council Meeting of November 14, 2012

Councilmember Driscoll moved to approve the minutes, as amended, of the Special Town Council Meeting of November 14, 2012. Seconded by Councilmember Aalfs, the motion carried 4-0-1 (Richards abstained).

### REGULAR AGENDA [8:47 p.m.]

- (8) Recommendation by Town Attorney: Resolution Concerning Sale of Town-Owned Property
  - (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley of its Finding and Intention to Sell 3 and 5 Buck Meadow Drive Pursuant to Government Code 37420 et seq. (Resolution No. \_\_)

Ms. Prince, noting that Town Attorney Sandy Sloan's memorandum dated November 16, 2012 contains the details, provided a brief summary. The developer of the Blue Oaks Subdivision deeded the properties intended for BMR development at 3 and 5 Buck Meadow Drive. Eventually, after determining that such a project would not be feasible on the site, the Town has come to the point of preparing the resolution that the Council is being asked to consider.

Before the Town can sell the lots, Ms. Prince explained, it must comply with the process identified in the Government Code. The Government Code mandates that the Town Council adopt a resolution stating 1) the finding that public interest and convenience require the sale of the property and 2) the intention to sell the property. The resolution also must fix a time and place to hear protests to the sale of the property, provide for publication of notice of the hearing, set the time when the Town Council will take final action and contain an accurate description of the property to be sold.

With no questions from Councilmembers, Mayor Derwin invited members of the audience to speak.

Bud Eisberg, Wyndham Drive, said he came to speak against the sale of the Blue Oaks lots for two reasons. Over the years, the Town hasn't really done enough to develop these lots, he stated. The Town failed to come to terms with the Blue Oaks developer to build the BMR units and turned down Habitat for Humanity's proposal to build on those lots because they work on weekends, which would violate the Noise Ordinance. He said he questions how serious the Town is about developing those lots. Blue Oaks would not exist except for these BMR requirements, he said. The Town's proposal to sell those lots and purchase the property at 900 Portola Road basically puts one developer's affordable-housing obligation into another neighborhood's back yard. Ironically, he added, the sale of the Blue Oaks lots actually takes the Town further away from affordable housing, because it would require considerable re-zoning. The other point is the risk to the Town in a \$3 million transaction, or more, depending on what cleanup is necessary at 900 Portola Road. He asked whether the Town obtained independent appraisals of both properties, and market-rate prices for the Blue Oaks lots as well as the one it intends to purchase. He said he's also concerned with what happens to the 900 Portola Road property if the Town for some reason is unable to develop it. "What's Plan B?" he asked. He said the lack of an overall plan for the rest of the Town's affordable-housing obligation concerns him as well. He said the Council should not make the finding that the sale of the Blue Oaks lots would be in the public interest and the convenience required.

Don Jacobson, Farm Road, Hidden Valley (Woodside), said his view is one of openness, due process and transparency. We have had a BMR authorized on the Blue Oaks properties since 1998, he said, and he's not sure everything has been done to follow through on that intention. However, he said it's also difficult to comment on something that is not open and transparent to the public. They say the BMRs can be at 900 Portola Road. How many? Who will occupy them? What will the qualifications be to live there? How do we get these people in? How do we get them out if it doesn't work out? What's the standard? We've tried to ask questions about the ingredients of the BMR. Are there going to be a dozen of them? Can anyone live there? Do you have to be a firefighter? Nobody knows, he said, and people want answers.

At the last Planning Commission meeting, Mr. Jacobson said, he suggested that there must be a plan. No, there's no plan here. Is a CEQA qualification required? No, Blue Oaks is not connected with 900 Portola Road. Really? Why are we selling Blue Oaks? So we can buy 900 Portola Road. And they say it's not connected. Mr. Jacobson said the lack of transparency is troublesome, and it's troubled a lot of people. He said it also seems as if there's a rush to judgment, to get this done fast, before anyone can find out everything that's going on.

Mayor Derwin said she thought it was time to start answering some questions.

Ms. Prince first addressed the issue of the connection between the two transactions. She said there's obviously a plan to sell the Blue Oaks lots to fund the purchase of 900 Portola Road for affordable housing, so from the transactional perspective they're connected. They are not connected in terms of CEQA, she explained, because the sale of Blue Oaks doesn't necessarily result in development of

affordable housing at 900 Portola Road. Furthermore, while there may be some general ideas at this time, no one yet knows how many units there would be. There's no concrete project to study under CEQA. It's too speculative at this point.

As far as who would occupy BMR units, Ms. Prince said there's a process that involves income qualifications, with parameters published by San Mateo County. The units intended for Blue Oaks were meant to be for "moderate" income occupants, so residents would have to qualify in that income range. Living or working in Town may move some people up on the priority list, she said, but requirements to be met are very specific and defined by state law. There also are BMR agreements, so buyers must meet very specific requirements to meet if they decide to sell. She said the website has a significant number of questions and answers about the affordable-housing situation.

Ms. Prince said that if the plan for BMR units at 900 Portola Road doesn't work out, "Plan B" would be for the Town to take the proceeds from the sale of the Blue Oaks lots and continue looking for another location or an alternative solution that would satisfy the Town's affordable-housing obligation.

In terms of the appraisals, Ms. Prince said she did know the answer offhand. Councilmember Wengert said an appraisal was done for 900 Portola Road when the effort to acquire that property began. As for the valuation of Blue Oaks lots, as is typical for many real estate transactions, she said the market sets the price at the time the property sells – determined by what a buyer is willing to pay and what a seller is willing to accept. That's the definition of market pricing, she said. On the basis of a rough valuation estimate, she said the Town was fortunate enough to generate a full-price offer for the Blue Oaks lots.

Ms. Prince said the buyer is Buck Meadow LLC, and that the California Secretary of State website may contain formation information on companies. Councilmember Wengert said that to her understanding, the LLC comprises primarily Blue Oaks Subdivision homeowners.

Responding to the Habitat for Humanity question, Ms. Prince said the Blue Oaks units were intended for moderate-income residents, and Habitat for Humanity was looking to develop housing for low-income and very low-income residents.

Mr. Jacobson asked how many units there would be. Vice Mayor Richards described a string of dependencies that would precede being able to answer the question. To be able to answer that question, he explained, it would be necessary to have a design, and to do a design, you have to spend taxpayer money, and you have to own the property to be able to do that. Mr. Jacobson said "you're selling Blue Oaks and you're still using taxpayer money, and you don't even know what you're going to do with it yet." Mayor Derwin said the money would go into a housing inclusionary fund that can be used only for affordable housing. Thus, if the Town cannot buy 900 Portola Road, the money would stay in that fund while the Town looks for other property. Mr. Jacobson said, "You don't even know what you're going to build."

Jon Silver, Portola Road, raised a point of order. He said people need to be called on and not just pipe up.

Mayor Derwin recognized the next speaker.

Carol Wonderly, Portola Road, said she lives right next door to 900 Portola Road. She asked why we can't put a maximum of eight units on that lot and why are people being told it's likely to be a lot more than that. Councilmember Wengert said the transactions would be sequential, and that if – not when, but if – we are able to acquire 900 Portola Road following the sale of the Blue Oaks lots. If the Town moves into the phase wherein it owns 900 Portola Road, that would be the first time any taxpayer dollar would be spent. At that time, Councilmember Wengert continued, the Town would work with the community and the neighbors in an inclusionary process to design a project. Part of the analysis that would go into that design would be its economic viability. If one reads studies related to building affordable housing in San Mateo County, where land prices and construction costs are very high, it's a challenging mathematical

equation to be able to afford to build units of this nature. Those are among the reasons that the number of units can't be predicted now; that won't be possible until it's pretty clear what the numbers would look like. She said she believes everyone shares the same goal in terms of minimizing the number of units, and there is no intention to develop any greater density that necessary to be able to afford the project.

Asked whether the Town could use any open-space funds for a portion of the affordable-housing cost, Councilmember Wengert replied no. She said very specific budget lines are allocated for specific uses, and the money that comes from the Blue Oaks sale cannot be used for anything other than affordable housing. In response to a question about reducing the density by dedicating part of the lot to open space, Councilmember Wengert said anything is possible. She doesn't preclude any ideas if we reach the planning stage; she reemphasized that it's a very sequential process.

Mark Bronder, Wyndham Drive, said Ray Williams couldn't come to the meeting but sent a message for him to read: *I ask you please accept this message of formal protest any further activity on Blue Oaks or other property transactions until the public has been engaged in a discussion of BMR requirements, alternates, implications and show a map of potential space available for use in these discussions. While these efforts are underway, I'd ask the Town engage in discussions with state, county and other regulators to get the right guidance and alternatives available to the Town. . . Therefore, I ask you to defer action on Agenda Item 8.*

Mr. Jacobson said that if he understood the comment, we're willing to give up what's already found to be qualified BMRs at Blue Oaks without knowing what would happen at 900 Portola Road. Councilmember Wengert said his statement implies that the units at Blue Oaks are feasible, but after a significant amount of time and considerable efforts, it was determined that developing the BMR units at Blue Oaks was not an economically feasible proposition. As a result, the General Plan's Housing Element was updated in a very public process during which there were open discussions about the possibility of selling those units, exploring other opportunities, and using the proceeds to identify opportunities for affordable housing. That process was both public and democratic, Councilmember Wengert reiterated, adding that it was open and it was long. So to the extent that we are now moving forward with the plan that we've had in place for more than a decade, she said, that's where we stand in terms of why we're moving forward with Blue Oaks. We finally had an opportunity to sell those lots and have some funds available to us to either buy 900 Portola Road or, if that doesn't ultimately come to fruition, look for other parcels where we can. That's our charge, she said.

Mr. Jacobson asked how we know whether the same thing won't happen at 900 Portola Road that happened with Blue Oaks. You're going to give up Blue Oaks, and be stuck with 900 Portola Road, and people will have the same objections. It's a sensitive area. People are concerned, and rightly so. The BMR solution at Blue Oaks is legal, he said. It's fine. It's there. You're giving that up for something you have no idea whether it's going to work or not. Just a pig in a poke. There's no transparency here. You won't tell us exactly what you're going to do. It's ridiculous. It's a gamble. You're gambling, not with your money. You're gambling with the citizens' money, the Town's money.

Mayor Derwin said that may not be precisely accurate.

Ms. Prince suggested it might help to consider the Blue Oaks lots the equivalent of an in-lieu fee for inclusionary housing. It wasn't taxpayer dollars, it was actually the Blue Oaks developer's.

Mr. Jacobson exclaimed, "You own the property."

Mr. Silver said he served on the Town Council from 1978 until 1993, and then in San Mateo County government until 2007, and had many dealings with communities and community concerns. When he hears accusations this process isn't transparent, he said, it seems to presume that Town officials know, that they could pull back the curtain to reveal a plan. According to Mr. Silver, "There is transparency here, and there is not any more to see." To know everything in detail before we change course, there would never be any action. It isn't possible before setting out on a journey to know exactly where it will go. None of this is secret. If one is a diligent citizen, one will know.

Mr. Silver said he attends Town meetings only when he feels a need to do so, but he finds even occasional attendance gives him the answers to most of the questions that have been posed because he pays attention. He said he considers it insulting to suggest that those who volunteer their services are governing the Town in secrecy. Also, he said, as one who pushed to get the Blue Oaks BMR units built, he now understands that it's not practical and makes no sense for the Town to keep trying to make something happen there. It's time to recognize reality, he said. He also stressed the importance of resolving the affordable-housing problem, because he said he doesn't want to see Portola Valley in a position such as Menlo Park, under court order to put in 1,900 additional units over and above what the city had planned.

Mr. Silver said he's also seen beautiful affordable housing projects as long ago as the mid-'70s; when the Atherton mayor invited him on a tour of affordable housing sites in Palo Alto. It's been really nice since the mid-'70s, he said, and it's still very nice. Another point: tonight's action is intended to get us to the point where we can have a hearing on at least some of these issues.

Cindie White, Portola Road, said she and her husband purchased Jelich Ranch in 2000. She moved to Portola Valley as a sixth-grader in 1972 and attended Portola Valley School. Her parents still live here. Starting next year, she and her husband will be living at Jelich Ranch full-time, when their youngest child goes to college. Ms. White identified the problem being discussed as a disconnect in the relationship between the government and the people. In terms of buying the 900 Portola Road property and selling the Blue Oaks lots, she suggested that a hearing to receive input now isn't all that helpful; what the community wanted was input in the beginning of the process. Some people seem to know why Blue Oaks isn't viable for BMR housing, but people need to be informed about such things ahead of time – that's what needs to be transparent. That's why she said she protests the sale of the Blue Oaks lots. She said she has many questions, not only about the process, but about alternatives to what has been proposed.

Listening to the candidates for the Planning Commission and the ASCC, she said she continually heard about community involvement and listening to what people have to say. Whether that was a coincidence, or the applicants see a void in that respect, she said she didn't know. Ms. White mentioned that applicants also spoke about the ethos of Portola Valley, and why affluent people are moving here when they have so many choices. She said she was thinking how the Town's Founding Fathers, like George Mader and Bob Brown would want this process to go.

Mr. Eisberg asked, "If this process has been open for a long time, where is the list of properties that have been looked at?"

Ms. Prince said the process for real estate negotiations and the things the Town looked at are closed-session items, not necessarily subject to public scrutiny.

John Pene, Wyndham Drive, asked whether the Town has a preliminary estimate for the development cost at 900 Portola Road. Councilmember Wengert explained that the Town wouldn't be the developer, wherever the project is, but would work with another entity. In other words, the Town isn't in a position to estimate development costs because that's not the Town's role. Mr. Pene said it would make sense to get a fee estimate for a ballpark idea of what's doable, without spending any taxpayer money, to get an idea whether it would work, before investing a great deal of time to buy a property. He said the analogy for building a market-rate home would be to estimate a cost of, say, \$200 per square foot.

Councilmember Aalfs said that assuming the Town can go forward with the sale of the Blue Oaks property, the Town would bring in developers – typically nonprofits that specialize in affordable housing – to do a fair amount of work to put together proposals. He said he understands the frustration, but the process is complicated. It's not easy getting to estimates of development costs without having a design. We just don't have that information, and it won't happen until someone comes in and makes a serious proposal.

Ms. Prince said that if and when the Town purchases 900 Portola Road and engages developers to look at the project, each of them may approach it from a different perspective and they'll have different cost constraints because they aren't market developers. There are a lot of different financing arrangements used in the affordable-housing arena as well, she explained. For these reasons, the Town isn't in a place to ask these developers for estimates of what it would take for them to produce a plan. Part of the whole process would be for these potential developers to come in, look at the property, consider their financing constraints and alternatives, and then present a proposal.

Monika Cheney, Goya Road, said she's trying to channel what the applicants said earlier into the current discussion. It's apparent that we've reached an impasse, she said, and for the various reasons given, the Town won't have a plan before acquiring the 900 Portola Road property. At the same time, people are hungry for more information. One thing the Town Council, and its legal counsel, would have an answer to is the question about the maximum number of units the Town would be likely to develop there. Ms. Prince said she didn't know the answer off the top of her head.

Mr. Vlasic said the Town has gone through many years of trying to find a solution for eight units on the Blue Oaks lots, and it has not been possible. Now there's an opportunity to sell the lots, take the money and put it toward affordable housing – as allowed for in the Housing Element – at another location. He said the developers the Town has talked to, those with experience in building affordable housing, have suggested looking for more suitable sites – properties closer-in, on relatively level ground, with better access to transportation and services – that would be more compatible with a more cost-effective development. We don't know what that development is, he said. Zoning changes would be required. The process will be driven in part from what these seasoned developers have to say. It may turn out that what they say is feasible from a development perspective isn't feasible from a planning standpoint. We don't know that either. The only thing we know now is that the 900 Portola Road property is a potentially better site for affordable housing, based on what we've learned from developers previously.

If we come to a situation where a developer makes a proposal and entitlements necessary aren't granted, Mr. Vlasic continued, the Town would have to take the set aside proceeds from the sale of the Blue Oaks lots and develop another program in the next Housing Element update to find a solution. Accordingly, he said, to speculate now on a number of units would only create more animosity in the community. Until we go through this process and get some solid information, we're not in a position to have a dialogue about it. The Town cannot proceed without moving through the very complicated entitlement process, during which there will be numerous public hearings before the Planning Commission and the Town Council, with the ASCC involved, all taking into account the sensitive concerns. Mr. Vlasic said he didn't know how more transparent the Town could be.

Mr. Eisberg said he wondered what would have happened if Town officials had done what Mr. Pene suggested, some due diligence, before taking ownership of the Blue Oaks lots, because nothing changed on those parcels as far as slope, number of trees. Councilmember Wengert said that was in 1998, when the option was given to the developer of paying the in-lieu fees for inclusionary housing or setting aside land and deciding within three years whether to develop it or turn it over to the Town. That was 14 years ago, and at the end of the three-year period, the developer decided to turn the lots over to the Town. This developer was the first to do due diligence on the feasibility of building the BMR units in Blue Oaks.

Mr. Silver said that like Ms. White, he wondered what the Founding Fathers would be thinking. In the late 1990s, he recalled a 10-member ad hoc housing committee coming up with a plan that laid the foundation for the Housing Element. After about a year's worth of public hearings, the Town Council, including Bob Anderson, John Jakes, Sue Crane and Fred Graham, ultimately adopted the Housing Element. It was a completely transparent process, Mr. Silver said, but many of the people in Town now weren't involved in that process, so to them it's new. He also said that those now governing the Town have not departed from that same kind of process and the course of preserving the Town, and if Bill Lane were here, he would get up and say pretty much the same thing.

Mayor Derwin acknowledged the last public speaker.



Mr. Jacobson asked what if it's provable that building 10 to 12 BMR units at 900 Portola Road would reduce the value of Wyndham Drive properties by 20%. We could go to real estate agents and ask that question. Do some due diligence.

Mayor Derwin brought the matter back to the Council. She excerpted from an operative clause in the proposed resolution:

*3. A public hearing shall be held by the Town Council to hear any protests regarding the sale of the Property on December 12, 2012 at 7:30 p.m. in the Historic School House Meeting Room at the Town Center located at 765 Portola Road, Portola Valley, California or as soon thereafter as the matter may be heard. . .*

Councilmember Aalfs moved to adopt the Resolution of the Town Council of the Town of Portola Valley of its Finding and Intention to Sell 3 and 5 Buck Meadow Drive Pursuant to Government Code 37420 et seq. Seconded by Vice Mayor Richards, the motion carried 5-0.

- (9) Discussion and Council Action: Report by Town Planner requesting response to CJW Architecture request made on behalf of Ryland Kelley for review and approval of Driveway and Bridge Plans, Ford Field Access Easement[ 10:22 p.m.]

Ms. Vlasic referred to the staff report dated November 28, 2012, explaining that fundamentally the owner of the properties on the east side of Los Trancos Creek has an easement across part of Ford Field.

On August 8, 2012, the Town Council considered the request of CJW Architecture made on behalf Mr. Kelley relative to the preliminary driveway and bridge plan proposals to reach his property. The Council directed an ASCC review and further review by staff. That's been completed, Mr. Vlasic said, including input from the Conservation Committee. He added that the comments received during that process have been assembled and forwarded to CJW Architecture and Mr. Kelley as they pursue the process with the Santa Clara County Planning and Building Departments, two LAFCos (San Mateo and Santa Clara County Local Agency Formation Commissions), plus special utility and service agencies and any other agencies with authority relative to the bridge crossing of Los Trancos Creek. At this point, Mr. Vlasic continued, the Town has essentially provided them with a framework as they finalize plans.

He said the documents also have been shared with Stanford University representatives, because the easement agreement specifies that if Stanford were to acquire these properties, the easement would disappear. Mr. Vlasic said the applicants would have to come back to the Town for the "final blessing" after going through the rest of the process, because many of the details are likely to change.

Councilmember Wengert asked whether Stanford had any interest in purchasing the property. Mr. Vlasic said that Charles Carter, Stanford Director of Land Use and Environmental Planning, told him that he (Carter) is in contact with others at the University who would be more involved. Mr. Vlasic said Stanford once before considered the property, and that he (Vlasic) thinks Stanford may want to talk more seriously about the property so as to protect its own interests.

- (10) Recommendation by Acting Administrative Services Director: Review of Basic Financial Statements and Memorandum on Internal Control for FYE 06/30/12 [ 10:12 p.m.]

The Town is required to have its financial records audited every year. Our independent auditor, Maze & Associates, has completed the audit of the Basic Financial Statements and Memorandum on Internal Control (MOIC) for the fiscal year ending June 30, 2012. Ms. Nerdahl said it was a very routine audit that produced nothing of any great note.

She pointed out three factors from prior years that affected the FY 2011-2012 numbers:

- The ongoing devaluation of the Town-owned stock that affected prior statements was no longer an issue because the stock has been sold.
- In terms of capital assets, the construction of the C-1 Trail at \$1.1 million previously resulted in an inflow and outflow.
- At the end of the fiscal year, the Town paid off the PERS side fund (\$319,000).

Councilmember Wengert asked what the stock sold for; in response, Ms. Nerdahl said \$60,386. Responding to another of Councilmember Wengert's questions, Ms. Nerdahl said that without the PERS adjustment, the General Fund would have increased by 8%.

Councilmember Wengert asked what happened to result in the large increase in road impact fee expenses (in the Condensed Statement of Activities). Ms. Nerdahl explained that a building permit that was canceled, and a portion of what had to be refunded – about \$40,000 – had been in the road impact fee account.

At this time, no capital projects are affecting the Town's capital assets, she said – but as Councilmember Driscoll pointed out, the undergrounding project will be coming up.

With unanimous acceptance of the Basic Financial Statements and Memorandum on Internal Control (MOIC) for the fiscal year ending June 30, 2012, the Council directed staff to file the reports.

#### COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

- (11) Discussion and Council Action: Vic Schachter with proposed draft letter to Congresswoman Eshoo regarding Aircraft Noise [10:20 p.m.]

After some discussion, Mayor Derwin, Councilmember Aalfs and Mr. Pegueros agreed to work together to produce a final draft.

- (12) Reports from Commission and Committee Liaisons [10:30 p.m.]

Councilmember Aalfs:

- (a) Architectural and Site Control Commission (ASCC)

Meeting on November 26, 2012, the ASCC reviewed an application for a conditional use permit (CUP X7D-30) for a garden entry pavilion and garden, where they want to grow more food for The Priory's cafeteria.

Councilmember Aalfs said he can see the proposed site from his home, and favors the proposal.

Councilmember Wengert:

- (b) Bicycle, Pedestrian and Traffic Safety (BP&TS) Committee

A special meeting on bike lanes on November 27, 2012 drew six other people in addition as well as BPT&S Committee members, and it went very well. Of five options, Councilmember Wengert reported, the Committee has pretty much decided between two recommendations – wider lanes only with no official lane striping or wider lanes with an official bike lane, with a vote planned for the meeting on December 5, 2012.

Mayor Derwin:

(c) Council of Cities

The November 16 2012 dinner meeting, held in Pacifica, featured an interesting presentation on the Devil's Slide Tunnels by CalTrans Project Manager Skip Sokow. When the tunnels open to motorists early in 2013, CalTrans intends to give the bypassed stretch of road and 70 nearby acres to San Mateo County to operate as a park and a pathway reserved for hikers and bicyclists.

Mayor Derwin said a weekend shuttle service, Devil's Slide Ride, is scheduled to begin service on December 1, 2012.

(d) U.S. Green Building Council

Mayor Derwin joined a U.S. Green Building Council tour of LEED-certified buildings on the Mid-Peninsula on November 17, 2012, with the Portola Valley Town Center the second stop on the group's three-site tour. She gave a short, well-received talk about how the Town Center transformed the site and contributed to the spirit of community. Fellow tourists enjoyed her presentation so much they asked her to republish it.

(e) City/County Association of Governments (C/CAG)

San Mateo County Board of Supervisor Carole Groom was appointed to the California Coastal Commission by California State Assembly Speaker John Perez. This is a tremendous honor for all of us in San Mateo County.

WRITTEN COMMUNICATIONS [10:40 p.m.]

(8) Town Council November 16, 2012 Weekly Digest – None

(a) #10 – Memo from Town Manager, Nick Pegueros re Weekly Update – November 16, 2012

Mr. Pegueros said the Town has been invited by the Santa Clara County Board of Supervisors to make a presentation on an application for funds for a grant for Spring Down pond project Under Consideration as part of the Stanford mitigation plan.

He also explained that he'd met with Library Branch Manager Nicole Pasini, who has some concerns about lighting, and she's working with the architects to try to identify some creative solutions that won't detract from the Library's beauty. In exploring potential funding, Mr. Pegueros learned that the Council could have the option of dipping into the donor city funds the Town has accumulated over time. He also learned that Woodside uses donor city funds (the taxes paid by residents that exceed the cost of services) to replenish its general fund for library maintenance costs and other items.

ADJOURNMENT [10:45 p.m.]

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Mayor

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Town Clerk

**INVOICE APPROVAL LIST REPORT - DETAIL WITH GL DIST**

12/12/12

Date: 12/06/2012

Time: 4:31 pm

Page: 1

TOWN OF PORTOLA VALLEY

Vendor Name	Invoice Description1	Ref No.	Discount Date	
Vendor Name Line 2	Invoice Description2	PO No.	Pay Date	
Vendor Address	Vendor Number		Due Date	Taxes Withheld
City	Bank	Check No.	Check Date	Discount Amount
State/Province Zip/Postal	Invoice Number			Check Amount

ALLIANT INSURANCE SERVICES	Event Ins, PV Holiday Fair	13731	12/12/2012	
			12/12/2012	
SPECIAL EVENTS	475		12/12/2012	0.00
NEWPORT BEACH	BOA	47224	12/12/2012	0.00
CA 92658	91679			591.87

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4338	Event Insurance	591.87	0.00

Check No.	47224	Total:	591.87
Total for	ALLIANT INSURANCE SERVICES		591.87

ANIMAL DAMAGE MGMT INC	November Pest Control	13775	12/12/2012	
			12/12/2012	
16170 VINEYARD BLVD. #150	804		12/12/2012	0.00
MORGAN HILL	BOA	47225	12/12/2012	0.00
CA 95037	63681			310.00

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4240	Parks & Fields Maintenance	310.00	0.00

Check No.	47225	Total:	310.00
Total for	ANIMAL DAMAGE MGMT INC		310.00

ASSOCIATED BUSINESS MACHINES	Postage Meter Rate Chip	13740	12/12/2012	
			12/12/2012	
1552 BEACH STREET	0017		12/12/2012	0.00
EMERYVILLE	BOA	47226	12/12/2012	0.00
CA 94608				306.19

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4308	Office Supplies	306.19	0.00

ASSOCIATED BUSINESS MACHINES	Postage Meter, ink cartridge	13769	12/12/2012	
			12/12/2012	
1552 BEACH STREET	0017		12/12/2012	0.00
EMERYVILLE	BOA	47226	12/12/2012	0.00
CA 94608	2121471			356.73

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4308	Office Supplies	356.73	0.00

Check No.	47226	Total:	662.92
Total for	ASSOCIATED BUSINESS MACHINI		662.92

AT&T (2)	November/December M/W	13741	12/12/2012	
			12/12/2012	
P.O. BOX 5025	877		12/12/2012	0.00
CAROL STREAM	BOA	47227	12/12/2012	0.00
IL 60197-5025				128.12

GL Number	Description	Invoice Amount	Amount Relieved
05-52-4152	Emerq Preparedness Committee	128.12	0.00

Check No.	47227	Total:	128.12
Total for	AT&T (2)		128.12

**INVOICE APPROVAL LIST REPORT - DETAIL WITH GL DIST**

12/12/12

Date: 12/06/2012

Time: 4:31 pm

Page: 2

TOWN OF PORTOLA VALLEY

Vendor Name	Invoice Description1	Ref No.	Discount Date	
Vendor Name Line 2	Invoice Description2	PO No.	Pay Date	
Vendor Address	Vendor Number		Due Date	Taxes Withheld
City	Bank	Check No.	Check Date	Discount Amount
State/Province Zip/Postal	Invoice Number			Check Amount

AV INTEGRATORS	Audio Rec System, Schoolhouse	13779	12/12/2012	
		00006078	12/12/2012	
131 INDUSTRIAL ROAD, SUITE 1	1132		12/12/2012	0.00
BELMONT	BOA	47228	12/12/2012	0.00
CA 94002	1652			8,967.09

GL Number	Description	Invoice Amount	Amount Relieved
05-70-4478	CIP12/13 Equipment	8,967.09	8,745.41

Check No.	47228	Total:	8,967.09
Total for	AV INTEGRATORS		8,967.09

BANK OF AMERICA	November Statement	13742	12/12/2012	
Bank Card Center			12/12/2012	
P.O. BOX 53155	0022		12/12/2012	0.00
PHOENIX	BOA	47229	12/12/2012	0.00
AZ 85072-3155				299.24

GL Number	Description	Invoice Amount	Amount Relieved
05-52-4152	Emerq Preparedness Committee	33.94	0.00
05-52-4165	Sustainability Committee	2.85	0.00
05-64-4311	Internet Service & Web Hosting	9.99	0.00
05-64-4326	Education & Training	150.00	0.00
05-64-4336	Miscellaneous	102.46	0.00

BANK OF AMERICA	2012 BECC Conf, de Garneau	13743	12/12/2012	
Bank Card Center		00006076	12/12/2012	
P.O. BOX 53155	0022		12/12/2012	0.00
PHOENIX	BOA	47229	12/12/2012	0.00
AZ 85072-3155				535.20

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4326	Education & Training	535.20	539.26

Check No.	47229	Total:	834.44
Total for	BANK OF AMERICA		834.44

BAY AREA PAVING CO	Woods H'lands Road Maint	13732	12/12/2012	
			12/12/2012	
P.O. BOX 6339	567		12/12/2012	0.00
SAN MATEO	BOA	47230	12/12/2012	0.00
CA 94403	C49-088			15,504.00

GL Number	Description	Invoice Amount	Amount Relieved
90-00-4375	General Expenses	15,504.00	0.00

Check No.	47230	Total:	15,504.00
Total for	BAY AREA PAVING CO		15,504.00

MARGO BLAIR	Deposit Refund	13733	12/12/2012	
			12/12/2012	
219 WYNDHAM	653		12/12/2012	0.00
	BOA	47231	12/12/2012	0.00
CA				1,383.55

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4207	Deposit Refunds, Other Charges	1,383.55	0.00

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Check No.	47231	Total:	1,383.55
Total for	MARGO BLAIR		1,383.55

MICHAEL BRAY	Reimbursement, Holiday Party	13737	12/12/2012	
140 CHEROKEE WAY	854		12/12/2012	0.00
PORTOLA VALLEY	BOA	47232	12/12/2012	0.00
CA 94028				256.29

GL Number	Description	Invoice Amount	Amount Relieved
05-52-4147	Picnic/Holiday Party	256.29	0.00

Check No.	47232	Total:	256.29
Total for	MICHAEL BRAY		256.29

BW CONSTRUCTION	Woods H'lands Road Maint	13738	12/12/2012	
110 RUSSELL AVE	930		12/12/2012	0.00
PORTOLA VALLEY	BOA	47233	12/12/2012	0.00
CA 94028	1739			13,377.19

GL Number	Description	Invoice Amount	Amount Relieved
90-00-4375	General Expenses	13,377.19	0.00

BW CONSTRUCTION	Woods H'lands Drainage Repair	13773	12/12/2012	
110 RUSSELL AVE	930		12/12/2012	0.00
PORTOLA VALLEY	BOA	47233	12/12/2012	0.00
CA 94028	1740			2,423.36

GL Number	Description	Invoice Amount	Amount Relieved
90-00-4375	General Expenses	2,423.36	0.00

BW CONSTRUCTION	Woods H'lands debris clean-up	13774	12/12/2012	
110 RUSSELL AVE	930		12/12/2012	0.00
PORTOLA VALLEY	BOA	47233	12/12/2012	0.00
CA 94028	1741			860.00

GL Number	Description	Invoice Amount	Amount Relieved
90-00-4375	General Expenses	860.00	0.00

Check No.	47233	Total:	16,660.55
Total for	BW CONSTRUCTION		16,660.55

CALPERS	November 2012	13739	12/12/2012	
FISCAL SERVICES DIVISION			12/12/2012	
ATTN: RETIREMENT PROG ACCTG	0107		12/12/2012	0.00
SACRAMENTO	BOA	47234	12/12/2012	0.00
CA 94229-2703				14,222.87

GL Number	Description	Invoice Amount	Amount Relieved
05-50-4080	Retirement - PERS	14,222.87	0.00

Check No.	47234	Total:	14,222.87
Total for	CALPERS		14,222.87

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State/Province Zip/Postal	Invoice Number			Check Amount

GEORGE CHOI	Deposit Refund	13744	12/12/2012	
			12/12/2012	
48 GRESHAM LANE	571		12/12/2012	0.00
ATHERTON	BOA	47235	12/12/2012	0.00
CA 94027				1,170.00

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4207	Deposit Refunds, Other Charges	1,170.00	0.00

Check No.	47235	Total:	1,170.00
Total for	GEORGE CHOI		1,170.00

COMCAST	WiFi, 11/21 - 12/20	13748	12/12/2012	
			12/12/2012	
P.O. BOX 34744	0045		12/12/2012	0.00
SEATTLE	BOA	47236	12/12/2012	0.00
WA 98124-1744				77.23

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4318	Telephones	77.23	0.00

Check No.	47236	Total:	77.23
Total for	COMCAST		77.23

COUNTY OF SAN MATEO (LAFCO)	2012-13 LAFCO Apportionment	13750	12/12/2012	
Attn: Juan Raigoza, Dep Cont			12/12/2012	
555 COUNTY CENTER, 4TH FLOOR	861		12/12/2012	0.00
REDWOOD CITY	BOA	47237	12/12/2012	0.00
CA 94063				325.00

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4322	Dues	325.00	0.00

Check No.	47237	Total:	325.00
Total for	COUNTY OF SAN MATEO (LAFCO)		325.00

DAVEY TREE EXPERT CO.	Tree Pruning, Ford Field	13772	12/12/2012	
			12/12/2012	
P.O. BOX 94532	0053		12/12/2012	0.00
CLEVELAND	BOA	47238	12/12/2012	0.00
OH 44101-4532	906400490			1,700.00

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4240	Parks & Fields Maintenance	1,700.00	0.00

Check No.	47238	Total:	1,700.00
Total for	DAVEY TREE EXPERT CO.		1,700.00

ECONOMY ROOFING	Refund C&D Deposit	13751	12/12/2012	
			12/12/2012	
2651 N. CABRILLO HWY	0220		12/12/2012	0.00
HALF MOON BAY	BOA	47239	12/12/2012	0.00
CA 94019				1,000.00

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4205	C&D Deposit	1,000.00	0.00

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Check No.	47239	Total:	1,000.00
Total for	ECONOMY ROOFING		1,000.00

ERIC COREY FREED	Travel Reimb, Speaker Series	13752	12/12/2012	
			12/12/2012	
73335 DESERT ROSE DRIVE	0190		12/12/2012	0.00
PALM DESERT	BOA	47240	12/12/2012	0.00
CA 92260				200.00

GL Number	Description	Invoice Amount	Amount Relieved
05-52-4165	Sustainability Committee	200.00	0.00

Check No.	47240	Total:	200.00
Total for	ERIC COREY FREED		200.00

ELIZABETH HOLMES	Reissue: Reimb B&BBQ	13784	12/12/2012	
	Original #47201 void		12/12/2012	
214 GROVE DRIVE	0184		12/12/2012	0.00
PORTOLA VALLEY	BOA	47241	12/12/2012	0.00
CA 94028				5,057.90

GL Number	Description	Invoice Amount	Amount Relieved
05-52-4146	Community Events Committee	5,057.90	0.00

Check No.	47241	Total:	5,057.90
Total for	ELIZABETH HOLMES		5,057.90

ICMA	November Deferred Comp	13753	12/12/2012	
VANTAGE POINT TFER AGTS-304617			12/12/2012	
C/O M&T BANK	0084		12/12/2012	0.00
BALTIMORE	BOA	47242	12/12/2012	0.00
MD 21264-4553				900.00

GL Number	Description	Invoice Amount	Amount Relieved
05-00-2557	Defer Comp	900.00	0.00

Check No.	47242	Total:	900.00
Total for	ICMA		900.00

J.W. ENTERPRISES	Portable Lavs, 11/29 - 12/26	13754	12/12/2012	
			12/12/2012	
1689 MORSE AVE	829		12/12/2012	0.00
VENTURA	BOA	47243	12/12/2012	0.00
CA 93003	165619			235.32

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4244	Portable Lavatories	235.32	0.00

Check No.	47243	Total:	235.32
Total for	J.W. ENTERPRISES		235.32



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JEFF JORDAN	Deposit Refund	13745	12/12/2012	
			12/12/2012	
50 PASO DEL ARROYO	0129		12/12/2012	0.00
PORTOLA VALLEY	BOA	47244	12/12/2012	0.00
CA 94028				1,571.80

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4207	Deposit Refunds, Other Charges	1,571.80	0.00

Check No.	47244	Total:	1,571.80
Total for	JEFF JORDAN		1,571.80

CONNIE LIN	Deposit Refund	13735	12/12/2012	
			12/12/2012	
25 KIOWA	0343		12/12/2012	0.00
PORTOLA VALLEY	BOA	47245	12/12/2012	0.00
CA 94028				7.50

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4207	Deposit Refunds, Other Charges	7.50	0.00

Check No.	47245	Total:	7.50
Total for	CONNIE LIN		7.50

LYNGSO GARDEN MATERIALS INC	Sand/Bags, Storm Preparedness	13755	12/12/2012	
			12/12/2012	
19 SEAPORT BOULEVARD	923		12/12/2012	0.00
REDWOOD CITY	BOA	47246	12/12/2012	0.00
CA 94063	Ref#843941			296.61

GL Number	Description	Invoice Amount	Amount Relieved
20-60-4271	Storm Damage	296.61	0.00

LYNGSO GARDEN MATERIALS INC	Sand for Little People's Park	13782	12/12/2012	
			12/12/2012	
19 SEAPORT BOULEVARD	923		12/12/2012	0.00
REDWOOD CITY	BOA	47246	12/12/2012	0.00
CA 94063	842986			452.33

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4240	Parks & Fields Maintenance	452.33	0.00

Check No.	47246	Total:	748.94
Total for	LYNGSO GARDEN MATERIALS INC		748.94

PAULA MASSONI	Refund C&D Deposit	13756	12/12/2012	
			12/12/2012	
273	509		12/12/2012	0.00
PORTOLA VALLEY	BOA	47247	12/12/2012	0.00
CA 94028				1,000.00

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4205	C&D Deposit	1,000.00	0.00

Check No.	47247	Total:	1,000.00
Total for	PAULA MASSONI		1,000.00

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LEE MIDDLEMAN	Deposit Refund	13736	12/12/2012	
			12/12/2012	
16 COALMINE VIEW	0185		12/12/2012	0.00
PORTOLA VALLEY	BOA	47248	12/12/2012	0.00
CA 94028				510.00

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4207	Deposit Refunds, Other Charges	510.00	0.00

Check No.	47248	Total:	510.00
Total for	LEE MIDDLEMAN		510.00

MR. ROOFING	Refund C&D Deposit	13757	12/12/2012	
			12/12/2012	
#77 & #43	728		12/12/2012	0.00
SAN RAMON	BOA	47249	12/12/2012	0.00
CA 94583				5,000.00

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4205	C&D Deposit	5,000.00	0.00

Check No.	47249	Total:	5,000.00
Total for	MR. ROOFING		5,000.00

NUTMEG KITCHENS	Holiday Party Caterer, Reissue	13780	12/12/2012	
	Original ck#47208 voided		12/12/2012	
	1356		12/12/2012	0.00
	BOA	47223	12/12/2012	0.00
	55			1,700.00

GL Number	Description	Invoice Amount	Amount Relieved
05-52-4147	Picnic/Holiday Party	1,700.00	0.00

Check No.	47223	Total:	1,700.00 H
Total for	NUTMEG KITCHENS		1,700.00

PERS HEALTH	December Health Premium	13758	12/12/2012	
			12/12/2012	
VIA EFT	0108		12/12/2012	0.00
	BOA	47250	12/12/2012	0.00
				15,111.12

GL Number	Description	Invoice Amount	Amount Relieved
05-50-4086	Health Insurance Medical	15,111.12	0.00

Check No.	47250	Total:	15,111.12
Total for	PERS HEALTH		15,111.12

PG&E	November Statements	13759	12/12/2012	
			12/12/2012	
BOX 997300	0109		12/12/2012	0.00
SACRAMENTO	BOA	47251	12/12/2012	0.00
CA 95899-7300				533.58

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4330	Utilities	533.58	0.00

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Check No.	47251	Total:	533.58
Total for	PG&E		533.58

PORTOLA VALLEY HARDWARE	November Statement	13770	12/12/2012	
			12/12/2012	
112 PORTOLA VALLEY ROAD	0114		12/12/2012	0.00
PORTOLA VALLEY	BOA	47252	12/12/2012	0.00
CA 94028				521.29

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4240	Parks & Fields Maintenance	150.43	0.00
05-60-4267	Tools & Equipment	276.59	0.00
05-66-4340	Building Maint Equip & Supp	94.27	0.00

Check No.	47252	Total:	521.29
Total for	PORTOLA VALLEY HARDWARE		521.29

RAJESH RAIKAR	Refund Deposit	13760	12/12/2012	
			12/12/2012	
103 SAN TOMAS DRIVE	517		12/12/2012	0.00
PITTSBURG	BOA	47253	12/12/2012	0.00
CA 94565				1,976.50

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4207	Deposit Refunds, Other Charges	1,976.50	0.00

Check No.	47253	Total:	1,976.50
Total for	RAJESH RAIKAR		1,976.50

DARCI REIMUND	Deposit Refund	13734	12/12/2012	
			12/12/2012	
155 GROVE DRIVE	0178		12/12/2012	0.00
PORTOLA VALLEY	BOA	47254	12/12/2012	0.00
CA 94028				1,287.70

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4207	Deposit Refunds, Other Charges	1,287.70	0.00

Check No.	47254	Total:	1,287.70
Total for	DARCI REIMUND		1,287.70

RON RAMIES AUTOMOTIVE, INC.	2000 Chevy Door Handle Repair	13761	12/12/2012	
			12/12/2012	
115 PORTOLA ROAD	422		12/12/2012	0.00
PORTOLA VALLEY	BOA	47255	12/12/2012	0.00
CA 94028	39879			184.18

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4334	Vehicle Maintenance	184.18	0.00

RON RAMIES AUTOMOTIVE, INC.	Flat Tire Repair	13771	12/12/2012	
			12/12/2012	
115 PORTOLA ROAD	422		12/12/2012	0.00
PORTOLA VALLEY	BOA	47255	12/12/2012	0.00
CA 94028	39955			64.00

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State/Province Zip/Postal	Invoice Number			Check Amount

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4334	Vehicle Maintenance	64.00	0.00

Check No.	47255	Total:	248.18
Total for	RON RAMIES AUTOMOTIVE, INC.		248.18

SAN MATEO COUNTY HEALTH SYSTEM	FY 12-13 Animal Control Costs	13749	12/12/2012	
Attn: Pamela Machado			12/12/2012	
225 37TH AVENUE, ROOM 17	2020		12/12/2012	0.00
SAN MATEO	BOA	47256	12/12/2012	0.00
CA 94403	AC1213-PV			36,099.00

GL Number	Description	Invoice Amount	Amount Relieved
05-62-4280	Animal Control	36,099.00	0.00

Check No.	47256	Total:	36,099.00
Total for	SAN MATEO COUNTY HEALTH SY		36,099.00

MARGARET SCHINK	Deposit Refund	13762	12/12/2012	
			12/12/2012	
2 HORSESHOE BEND	952		12/12/2012	0.00
PORTOLA VALLEY	BOA	47257	12/12/2012	0.00
CA 94028				505.50

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4207	Deposit Refunds, Other Charges	505.50	0.00

Check No.	47257	Total:	505.50
Total for	MARGARET SCHINK		505.50

SHARP BUSINESS SYSTEMS	November Copies	13763	12/12/2012	
			12/12/2012	
DEPT. LA 21510	0199		12/12/2012	0.00
PASADENA	BOA	47258	12/12/2012	0.00
CA 91185-1510	C761492-541			84.97

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4308	Office Supplies	84.97	0.00

Check No.	47258	Total:	84.97
Total for	SHARP BUSINESS SYSTEMS		84.97

SIERRA PACIFIC TURF SUPPLY INC	Seed for Fields	13776	12/12/2012	
			12/12/2012	
P.O. BOX 84	842		12/12/2012	0.00
CAMPBELL	BOA	47259	12/12/2012	0.00
CA 95009	0389635-IN			206.22

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4240	Parks & Fields Maintenance	206.22	0.00

Check No.	47259	Total:	206.22
Total for	SIERRA PACIFIC TURF SUPPLY IN		206.22

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SMITH, RANDLETT, FOULK & STOCK	Engineering Svcs, Wood H'lands	13781	12/12/2012	
	Reissue, Orig#47217 void		12/12/2012	
P.O. BOX 970	1119		12/12/2012	0.00
REDWOOD CITY	BOA	47260	12/12/2012	0.00
CA 94064	8206			2,545.75

GL Number	Description	Invoice Amount	Amount Relieved
90-00-4375	General Expenses	2,545.75	0.00

Check No.	47260	Total:	2,545.75
Total for	SMITH, RANDLETT, FOULK & STO		2,545.75

SPANGLE & ASSOCIATES	10/26 - 11/21 Statement	13764	12/12/2012	
			12/12/2012	
770 MENLO AVENUE	0121		12/12/2012	0.00
MENLO PARK	BOA	47261	12/12/2012	0.00
CA 94025-4736				40,283.80

GL Number	Description	Invoice Amount	Amount Relieved
05-52-4140	ASCC	2,414.00	0.00
05-52-4162	Planning Committee	4,826.00	0.00
05-54-4196	Planner	19,098.00	0.00
96-54-4198	Planner - Charges to Appls	13,945.80	0.00

Check No.	47261	Total:	40,283.80
Total for	SPANGLE & ASSOCIATES		40,283.80

STATE COMP INSURANCE FUND	December Premium	13765	12/12/2012	
			12/12/2012	
PO BOX 748170	0122		12/12/2012	0.00
LOS ANGELES	BOA	47262	12/12/2012	0.00
CA 90074-8170				3,226.67

GL Number	Description	Invoice Amount	Amount Relieved
05-50-4094	Worker's Compensation	3,226.67	0.00

Check No.	47262	Total:	3,226.67
Total for	STATE COMP INSURANCE FUND		3,226.67

CARL STRITTER	Deposit Refund	13747	12/12/2012	
			12/12/2012	
1235 LOS TRANCOS ROAD	2010		12/12/2012	0.00
PORTOLA VALLEY	BOA	47263	12/12/2012	0.00
CA 94028				11.20

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4207	Deposit Refunds, Other Charges	11.20	0.00

Check No.	47263	Total:	11.20
Total for	CARL STRITTER		11.20

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City	Bank	Check No.	Check Date	Discount Amount
State/Province Zip/Postal	Invoice Number			Check Amount

BARBARA TEMPLETON	September Transcription Svcs	13783	12/12/2012	
			12/12/2012	
304 MELVEN COURT	369		12/12/2012	0.00
SAN LEANDRO	BOA	47264	12/12/2012	0.00
CA 94577-2011	735			1,991.25

GL Number	Description	Invoice Amount	Amount Relieved
05-54-4188	Transcription Services	1,991.25	0.00

Check No.	47264	Total:	1,991.25
Total for	BARBARA TEMPLETON		1,991.25

TOWNSEND MGMT, INC	November Applicant Charges	13766	12/12/2012	
			12/12/2012	
P.O. BOX 24442	609		12/12/2012	0.00
SAN FRANCISCO	BOA	47265	12/12/2012	0.00
CA 94124				950.00

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4194	Engineer - Charges to Appls	950.00	0.00

Check No.	47265	Total:	950.00
Total for	TOWNSEND MGMT, INC		950.00

TURF & INDUSTRIAL EQUIPMENT CO	Battery Replacement, mower	13777	12/12/2012	
			12/12/2012	
2715 LAFAYETTE STREET	513		12/12/2012	0.00
SANTA CLARA	BOA	47266	12/12/2012	0.00
CA 95050	IV98997			76.44

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4240	Parks & Fields Maintenance	76.44	0.00

Check No.	47266	Total:	76.44
Total for	TURF & INDUSTRIAL EQUIPMENT		76.44

U.S. BANK EQUIPMENT FINANCE	December Copier Lease	13767	12/12/2012	
			12/12/2012	
P.O. BOX 790448	472		12/12/2012	0.00
ST. LOUIS	BOA	47267	12/12/2012	0.00
MO 63179-0448	217192160			435.21

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4314	Equipment Services Contracts	435.21	0.00

Check No.	47267	Total:	435.21
Total for	U.S. BANK EQUIPMENT FINANCE		435.21

WORRELL ROOFING	Refund C&D Deposit	13768	12/12/2012	
			12/12/2012	
3790 EL CAMINO REAL	669		12/12/2012	0.00
PALO ALTO	BOA	47268	12/12/2012	0.00
CA 94306				1,000.00

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4205	C&D Deposit	1,000.00	0.00

**INVOICE APPROVAL LIST REPORT - DETAIL WITH GL DIST**

12/12/12

Date: 12/06/2012

Time: 4:31 pm

Page: 12

TOWN OF PORTOLA VALLEY

Vendor Name	Invoice Description1	Ref No.	Discount Date	
Vendor Name Line 2	Invoice Description2	PO No.	Pay Date	
Vendor Address	Vendor Number		Due Date	Taxes Withheld
City	Bank	Check No.	Check Date	Discount Amount
State/Province Zip/Postal	Invoice Number			Check Amount

Check No.	47268	Total:	1,000.00
Total for	WORRELL ROOFING		1,000.00

LINDA YATES	Deposit Refund	13746	12/12/2012	
			12/12/2012	
170 MAPACHE DRIVE	0303		12/12/2012	0.00
PORTOLA VALLEY	BOA	47269	12/12/2012	0.00
CA 94028				301.10

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4207	Deposit Refunds, Other Charges	301.10	0.00

Check No.	47269	Total:	301.10
Total for	LINDA YATES		301.10

Total Invoices: 53

Grand Total:	188,120.87
Less Credit Memos:	0.00
Net Total:	188,120.87
Less Hand Check Total:	1,700.00
Outstanding Invoice Total:	186,420.87

**TOWN OF PORTOLA VALLEY**  
**Warrant Disbursement Journal**  
**December 12, 2012**

Claims totaling \$188,120.87 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 \_\_\_\_\_

\_\_\_\_\_  
Nick Pegueros, Treasurer

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

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

\_\_\_\_\_  
Sharon Hanlon, Town Clerk

\_\_\_\_\_  
Mayor





# MEMORANDUM

## TOWN OF PORTOLA VALLEY

---

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

**FROM:** Brandi de Garneau, Sustainability Coordinator

**DATE:** December 12, 2012

**RE:** **Introduce an Ordinance Adopting by Reference the County of San Mateo Reusable Bag Ordinance**

### RECOMMENDATION

Staff recommends that the Town Council of the Town of Portola Valley read title, waive further reading and introduce an ordinance of the Town Council of the Town of Portola Valley Adding Section 8.04.060 [Reusable Bags] to Title 8 [Health & Safety] of the Portola Valley Municipal Code.

### SUMMARY

In April 2011, the Town Council agreed to participate in the County of San Mateo's Environmental Impact Report (EIR) and consider adopting by reference the County's ordinance regarding single-use carryout bags. In total, 18 cities in San Mateo County and 6 cities in Santa Clara County agreed to participate. The Draft Program EIR for the single-use carryout bags was released for public review on June 22, 2012 and the Final Program EIR responding to comments was subsequently released for public review on August 31, 2012.

On Tuesday, October 23, 2012 the San Mateo County Board of Supervisors voted unanimously to adopt a Reusable Bag Ordinance (Attachment 1) and certify the Final Program EIR associated with the ordinance. The County of San Mateo's ordinance goes into effect on April 22, 2013. The County of San Mateo is requesting that those towns and cities that participated in the EIR adopt an ordinance identical to the County's ordinance or adopt the County's ordinance by reference. The Town is proposing with its ordinance (Attachment 2) to adopt the County of San Mateo's Reusable Bag Ordinance by reference.

## **BACKGROUND/DISCUSSION**

Feedback from a variety of sources, including a study session at the county level, indicated that a regional approach to address single-use carryout bags would ensure uniform, consistent regulations in a broad geographic area. Consequently, San Mateo County (County) invited the cities within the County as well as cities in Santa Clara County to participate in the County's regional effort to study the environmental impacts of a regional reusable bag ordinance. The County undertook the effort to prepare an EIR to study the potential impacts on a region-wide basis and invited cities to participate in the EIR as Responsible Agencies under the California Environmental Quality Act (CEQA) for the adoption of their own ordinance based on the County's ordinance.

Eighteen cities in San Mateo County (Belmont, Brisbane, Burlingame, Colma, Daly City, East Palo Alto, Foster City, Half Moon Bay, Menlo Park, Millbrae, Pacifica, Portola Valley, Redwood City, San Bruno, San Carlos, San Mateo, South San Francisco, and Woodside) and six cities in Santa Clara County (Campbell, Cupertino, Los Altos, Los Gatos, Milpitas, and Mountain View), making up the "Study Area" joined the County for a program-level environmental review studying the region-wide environmental impacts of a reusable bag ordinance. The County EIR was guided by the following objectives:

1. Reducing the amount of single-use plastic bags in trash loads in conformance with the trash load reduction requirements of the National Pollutant Discharge Elimination System (NPDES) Municipal Regional Permit;
2. Reducing the environmental impacts related to single-use plastic carryout bags, such as impacts to biological resources, water quality and utilities;
3. Deterring the use of paper bags;
4. Promoting a shift toward the use of reusable bags; and
5. Avoiding litter and associated adverse impacts to storm water systems, aesthetics and the marine environment.

The County prepared a model ordinance for the participating cities to utilize when adopting within their respective jurisdictions. The County adopted the model ordinance as Chapter 4.114 of the County's Ordinance Code. The Town's proposed ordinance adding Section 8.04.060 [Reusable Bags] to Title 8 [Health & Safety] of the Portola Valley Municipal Code (Attachment 2) adopts the County's ordinance by reference.

The ordinance would prohibit the free distribution of single-use carryout paper and plastic bags. A single-use plastic carryout bag is defined as a bag made from petroleum or bio-based plastic that is less than 2.25 mils thick (0.00225 inches). The ordinance would also require retail establishments to charge customers for recycled paper bags and reusable bags at the point of sale. The minimum charge for paper bags would be ten cents per bag until December 31, 2014 and twenty-five cents per paper bag on or after January 1, 2015. Customers participating in the California Special Supplement Food Program for Women, Infants, and Children and the Supplemental Food Program may be furnished a recycled paper bag at no cost. The ordinance would not prohibit the distribution of product bags, which are bags without handles provided to the customer to transport food from a department within a grocery store to the point of sale, to hold prescription medication dispensed from a pharmacy, or to segregate food or

merchandise that could damage or contaminate other food or merchandise. Regulated retail establishments would be required to keep a complete and accurate record of the purchase and sale of any recycled paper or reusable bags for a minimum period of three years from the date of purchase and sale.

Staff met with George Robert's, owner of Robert's Market, and Mark Paris, owner of Portola Valley Hardware. Both businesses would be impacted by, but are supportive of the ordinance. In addition, the San Mateo County Health Department will be undertaking education, outreach and enforcement in connection with implementing the ordinance.

The ordinance would be effective in Portola Valley beginning April 22, 2013, at the same time the County's ordinance becomes effective, giving stores and consumers time to comply with the ordinance and locate reusable bags as alternatives to carry purchases from stores. The Town's ordinance authorizes and directs the County Environmental Health Services Division to enforce the ordinance's requirements within the Town of Portola Valley. The ordinance would be enforced by complaint response, as well as through random compliance visits by Environmental Health Specialists.

#### Environmental Impact Analysis

The Final Program EIR examined the potential environmental impacts associated with the adoption of the proposed ordinance in the Program EIR Study Area, consisting of the 24 cities listed in the preceding section and in unincorporated San Mateo County. The Draft Program EIR was issued with a 45-day public review period, from June 22, 2012 to August 6, 2012. The Final Program EIR, which incorporates the Draft Program EIR by reference, as well as responses to comments received regarding the Draft Program EIR, was issued with a 10-day public review period, from August 31, 2012 to September 10, 2012.

Due to the size of these documents, they are not included as attachments to this Staff Report, but are available online at the following links with a hard copy of each available for review at Town Hall.

Draft (note: large file size – 9.5 Mb):

[http://smchealth.org/sites/default/files/docs/EHS/SanMateoCountySingleUseBagBanOrdinance\\_DEIR%5B1%5D.pdf](http://smchealth.org/sites/default/files/docs/EHS/SanMateoCountySingleUseBagBanOrdinance_DEIR%5B1%5D.pdf)

Final (note: large file size – 4.5 Mb)

<http://smchealth.org/sites/default/files/docs/EHS/SanMateoCountyReusableBagOrdinanceFinalProgramEIR.pdf>

The Final Program EIR estimated the volume of current plastic bag usage within the Study Area at 552 million bags per year. With the proposed ordinance's regulations in effect, it is anticipated that 95 percent of that volume would be replaced by a combination of paper (165,879,409) and reusable (6,911,642) bags, leaving 27 million plastic bags still used each year. The Final Program EIR identifies and analyzes the potential environmental impacts of such a shift in bag usage as follows:

**Air Quality:** (1) A *beneficial impact* associated with a reduction in emissions due to a reduction in the total number of plastic bags manufactured; and (2) A *less than significant impact* associated with an increase in emissions resulting from increased truck trips to deliver recycled paper and reusable carryout bags to local retailers.

**Biological Resources:** A *beneficial impact* associated with a reduction in the amount of single-use plastic bags entering the coastal and bay habitat as litter.

**Greenhouse Gas (GHG) Emissions:** A *less than significant impact* associated with increased GHG emissions due to an increase in the manufacturing of single-use paper bags.

**Hydrology/Water Quality:** (1) A *beneficial impact* associated with a reduction in the amount of litter and waste entering storm drains; and (2) A *less than significant impact* due to an increase in the use of chemicals associated with an increase in production of recyclable paper bags.

**Utilities and Service Systems:** (1) A *less than significant impact* due to increased water usage resulting from the washing of reusable bags; (2) A *less than significant impact* due to increased wastewater generation resulting from the washing of reusable bags; and (3) A *less than significant impact* due to an increase in solid waste generation resulting from increased usage of paper bags.

None of the impacts require mitigation because they are all either beneficial or less than significant.

The County Planning Commission voted unanimously to recommend the Board of Supervisors certify the Final Program EIR and adopt the Reusable Bag Ordinance. They also recommended that the Environmental Health Services Division furnish two reports for the Board and Planning Commission's review: the first report to come 12 months after the ordinance's effective date analyzing the ordinance's performance in meeting the program's objectives; the second report to come 18 months after the ordinance's effective date, recommending any modifications necessary to improve upon the ordinance's performance in meeting the program's objectives. The proposed effective date of the ordinance is April 22, 2013, which is Earth Day.

For this regional effort, the County acted as the lead agency for the preparation and approval of the EIR. The 24 participating municipalities would be responsible agencies, as each individual municipality would have discretionary approval over the proposed ordinance within its respective jurisdiction. A responsible agency refers to a public agency other than the lead agency that has discretionary approval over a project. For the ordinance before the Town Council, the Town has acted as a responsible agency during the County EIR process. Accordingly, the Town can rely on the County's EIR and analysis of environmental impacts when considering adoption of its ordinance and making findings.

### **FISCAL IMPACT**

Adoption of this ordinance places no significant fiscal impact on the Town of Portola Valley as enforcement will be handled by the County.

### **CONCLUSION**

Staff recommends that the Town Council read title, waive further reading and introduce an ordinance Adding Section 8.04.060 [Reusable Bags] to Title 8 [Health & Safety] of the Portola Valley Municipal Code.

Taking this action will regulate the distribution of single-use carryout bags by retail establishments and, thereby, reduce the amount of single-use plastic bags in trash loads; reduce the environmental impacts related to single-use plastic carryout bags, such as impacts to biological resources, water quality, and utilities; deter the use of paper bags; promote a shift toward the use of reusable bags; and avoid litter and the associated adverse impacts to storm water systems, aesthetics, and the marine environment.

### **ATTACHMENTS**

1. San Mateo County Reusable Bag Ordinance
2. Town of Portola Valley Ordinance – Adopting County Ordinance by Reference in Town's Municipal Code
3. Letters in Support of Reusable Bag Ordinance

**APPROVED** – Nick Pegueros, Town Manager *N. P.*

**ORDINANCE NO. 04637  
BOARD OF SUPERVISORS, COUNTY OF SAN MATEO,  
STATE OF CALIFORNIA**

\* \* \* \* \*

**ORDINANCE ADDING CHAPTER 4.114 (REUSABLE BAGS) OF TITLE 4  
(SANITATION AND HEALTH) OF THE SAN MATEO COUNTY ORDINANCE  
CODE RELATING TO REUSABLE BAGS**

The Board of Supervisors of the County of San Mateo, State of California,  
**ORDAINS** as follows

**SECTION 1.** Chapter 4.114 “Reusable Bags,” consisting of Sections 4.114.010 through 4.114.080, of Title 4 of the San Mateo County Ordinance Code is hereby added as follows:

**4.114.010 Findings and purpose**

The Board of Supervisors finds and determines that:

- (a) The use of single-use carryout bags by consumers at retail establishments is detrimental to the environment, public health and welfare.
- (b) The manufacture and distribution of single-use carryout bags requires utilization of natural resources and results in the generation of greenhouse gas emissions.
- (c) Single-use carryout bags contribute to environmental problems, including litter in stormdrains, creeks, the bay and the ocean.
- (d) Single-use carryout bags provided by retail establishments impose unseen costs on consumers, local governments, the state and taxpayers and constitute a public nuisance.

This Board does, accordingly, find and declare that it should restrict the single use carry-out bags

**4.114.020 Definitions**

- A. "Customer" means any person obtaining goods from a retail establishment.
- B. "Garment Bag" means a travel bag made of pliable, durable material with or

without a handle, designed to hang straight or fold double and used to carry suits, dresses, coats, or the like without crushing or wrinkling the same.

C. "Nonprofit charitable reuser" means a charitable organization, as defined in Section 501(c)(3) of the Internal Revenue Code of 1986, or a distinct operating unit or division of the charitable organization, that reuses and recycles donated goods or materials and receives more than fifty percent of its revenues from the handling and sale of those donated goods or materials.

D. "Person" means any natural person, firm, corporation, partnership, or other organization or group however organized.

E. "Prepared food" means foods or beverages which are prepared on the premises by cooking, chopping, slicing, mixing, freezing, or squeezing, and which require no further preparation to be consumed. "Prepared food" does not include any raw, uncooked meat product or fruits or vegetables which are chopped, squeezed, or mixed.

F. "Public eating establishment" means a restaurant, take-out food establishment, or any other business that receives ninety percent or more of its revenue from the sale of prepared food to be eaten on or off its premises.

G. "Recycled paper bag" means a paper bag provided at the check stand, cash register, point of sale, or other point of departure for the purpose of transporting food or merchandise out of the establishment that contains no old growth fiber and a minimum of forty percent post-consumer recycled content; is one hundred percent recyclable; and has printed in a highly visible manner on the outside of the bag the words "Reusable" and "Recyclable," the name and location of the manufacturer, and the percentage of post-consumer recycled content.

H. "Retail establishment" means any commercial establishment that sells perishable or nonperishable goods including, but not limited to, clothing, food, and personal items directly to the customer; and is located within or doing business within the geographical limits of the County of San Mateo. "Retail establishment" does not include public eating establishments or nonprofit charitable reusers.

I. "Reusable bag" means either a bag made of cloth or other machine washable fabric that has handles, or a durable plastic bag with handles that is at least 2.25 mil thick and is specifically designed and manufactured for multiple reuse. A garment bag may meet the above criteria regardless of whether it has handles or not.

J. "Single-use carry-out bag" means a bag other than a reusable bag provided at the check stand, cash register, point of sale or other point of departure, including departments within a store, for the purpose of transporting food or merchandise out of the establishment. "Single-use carry-out bags" do not include bags without handles provided to the customer: (1) to transport prepared food, produce, bulk food or meat from a department within a store to the point of sale; (2) to hold prescription medication dispensed from a pharmacy; or (3) to segregate food or merchandise that could damage or contaminate other food or merchandise when placed together in a reusable

bag or recycled paper bag

#### **4.114.030 Implementation Date**

This Chapter shall not be implemented until April 22, 2013.

#### **4.114.040 Single-use carry-out bag**

A. No retail establishment shall provide a single-use carry-out bag to a customer, at the check stand, cash register, point of sale or other point of departure for the purpose of transporting food or merchandise out of the establishment except as provided in this section.

B. On or before December 31, 2014 a retail establishment may only make recycled paper bags or reusable bags available to customers if the retailer charges a minimum of ten cents.

C. On or after January 1, 2015 a retail establishment may only make recycled paper bags or reusable bags available to customers if the retailer charges a minimum of twenty-five cents.

D. Notwithstanding this section, no retail establishment may make available for sale a recycled paper bag or a reusable bag unless the amount of the sale of such bag is separately itemized on the sale receipt.

E. A retail establishment may provide one or more recycled paper bags at no cost to any of the following individuals: a customer participating in the California Special Supplement Food Program for Women, Infants, and Children pursuant to Article 2 (commencing with Section 123275) of Chapter 1 of Part 2 of Division 106 of the Health and Safety Code; a customer participating in the Supplemental Food Program pursuant to Chapter 10 (commencing with Section 15500) of Part 3 of Division 9 of the California Welfare and Institutions Code; and a customer participating in CalFresh pursuant to Chapter 10 (commencing with Section 18900) of Part 6 of Division 9 of the California Welfare and Institutions Code.

#### **4.114.050 Recordkeeping and Inspection**

Every retail establishment shall keep complete and accurate record or documents of the purchase and sale of any recycled paper bag or reusable bag by the retail establishment, for a minimum period of three years from the date of purchase and sale, which record shall be available for inspection at no cost to the County during regular business hours by any County employee authorized to enforce this part. Unless an alternative location or method of review is mutually agreed upon, the records or documents shall be available at the retail establishment address. The provision of false information including incomplete records or documents to the County shall be a violation of this Chapter.

#### **4.114.060 Administrative fine**



(a) Grounds for Fine. A fine may be imposed upon findings made by the Director of the Environmental Health Division, or his or her designee, that any retail establishment has provided a single-use carry-out bag to a customer in violation of this Chapter.

(b) Amount of Fine. Upon findings made under subsection (a), the retail establishment shall be subject to an administrative fine as follows:

- (1) A fine not exceeding one hundred dollars (\$100.00) for a first violation;
- (2) A fine not exceeding two hundred dollars (\$200.00) for a second violation;
- (3) A fine not exceeding five hundred dollars (\$500) for the third and subsequent violations;
- (4) Each day that a retail establishment has provided single-use carry-out bags to a customer constitutes a separate violation.

(c) Fine Procedures. Notice of the fine shall be served on the retail establishment. The notice shall contain an advisement of the right to request a hearing before the Director of the Environmental Health Division or his or her designee contesting the imposition of the fine. The grounds for the contest shall be that the retail establishment did not provide a single-use carry-out bag to any customer. Said hearing must be requested within ten days of the date appearing on the notice of the fine. The decision of the Director of the Environmental Health Division shall be based upon a finding that the above listed ground for a contest has been met and shall be a final administrative order, with no administrative right of appeal.

(d) Failure to Pay Fine. If said fine is not paid within 30 days from the date appearing on the notice of the fine or of the notice of determination of the Director of the Environmental Health Division or his or her designee after the hearing, the fine shall be referred to a collection agency.

#### **4.114.070 Severability**

If any provision of this Chapter or the application of such provision to any person or in any circumstances shall be held invalid, the remainder of this Chapter, or the application of such provision to person or in circumstances other than those as to which it is held invalid, shall not be affected thereby.

#### **4.114.080 Enforcement**

The Environmental Health Division is hereby directed to enforce this Chapter within an incorporated area of the County of San Mateo if the governing body of that incorporated area does each of the following:

(a) Adopts, and makes part of its municipal code:

- (1) Chapter 4.114 of Title 4 in its entirety by reference; or
- (2) An ordinance that contains each of the provisions of this Chapter; and

(b) Authorizes, by ordinance or resolution, the Environmental Health Division to enforce

the provision of the municipal code adopted pursuant to subsection (a) of this section, such authorization to include, without limitation, the authority to hold hearings and issue administrative fines within the affected incorporated area of the public entity.

**SECTION 2.** SEVERABILITY. If any provision(s) of this ordinance is declared invalid by a court of competent jurisdiction, it is the intent of the Board of Supervisors that such invalid provision(s) be severed from the remaining provisions of the ordinance and that those remaining provisions continue in effect.

**SECTION 3.** EFFECTIVE DATE. This Ordinance shall be effective thirty (30) days from the passage date thereof.

\* \* \* \* \*

Regularly passed and adopted this 6<sup>th</sup> day of November, 2012.

AYES and in favor of said ordinance:

Supervisors: \_\_\_\_\_ *DAVE PINE*

\_\_\_\_\_ *CAROLE GROOM*

\_\_\_\_\_ *DON HORSLEY*

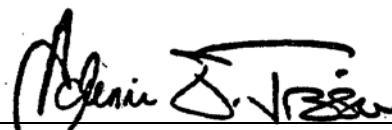
\_\_\_\_\_ *ROSE JACOBS GIBSON*

\_\_\_\_\_ *ADRIENNE J. TISSIER*

NOES and against said ordinance:

Supervisors: \_\_\_\_\_ *NONE*

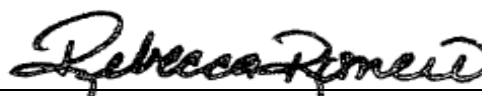
Absent Supervisors: \_\_\_\_\_ *NONE*



\_\_\_\_\_  
*Adrienne J. Tissier*  
President, Board of Supervisors  
County of San Mateo  
State of California

**Certificate of Delivery**

I certify that a copy of the original ordinance filed in the Office of the Clerk of the Board of Supervisors of San Mateo County has been delivered to the President of the Board of Supervisors.



\_\_\_\_\_  
*Rebecca Romero*  
Deputy  
Clerk of the Board of Supervisors

**ORDINANCE NO. 2012-**

**ORDINANCE OF THE TOWN OF PORTOLA VALLEY ADDING SECTION 8.04.060 [REUSABLE BAGS] TO TITLE 8 [HEALTH & SAFETY] OF THE PORTOLA VALLEY MUNICIPAL CODE**

**WHEREAS**, single-use carryout bags constitute a high percentage of litter, which is unsightly, costly to clean up, and causes serious negative environmental impacts; and

**WHEREAS**, the Town of Portola Valley (“Town”) has a substantial interest in protecting its residents and the environment from negative impacts from plastic carryout bags; and

**WHEREAS**, on October 23, 2012 the Board of Supervisors for the County of San Mateo (“County”) approved a Program Environmental Impact Report (“Program EIR”) and adopted an ordinance banning single-use carryout bags from stores, while requiring stores that provide reusable bags to charge customers ten cents (\$.10) per bag; and

**WHEREAS**, the County’s ordinance encouraged cities and towns within and neighboring the County to adopt similar ordinances and the County’s Program EIR specifically analyzed the possibility of 24 cities (18 cities within San Mateo County, including the Town of Portola Valley, and 6 cities in Santa Clara County) adopting the County’s ordinance within their own jurisdictions; and

**WHEREAS**, the Town intends this ordinance to fall within the scope of the County’s Program EIR and has, therefore, modeled this ordinance on the County’s ordinance.

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

1. ADDITION OF CODE. Section 8.04.060 [Reusable Bags] is hereby added to Title 8 [Health & Safety] of the Portola Valley Municipal Code to read as follows:

**8.04.060 Reusable Bags**

A. Chapter 4.114 “Reusable Bags” of Title 4 “Sanitation and Health” of the San Mateo County Ordinance Code, and any amendment thereto, is hereby adopted in its entirety by reference and made effective in the Town. Certified copies of Chapter 4.114 of Title 4, as adopted hereby, have been deposited with the Town

Clerk, and shall be at all times maintained by the Town Clerk for use and examination by the public.

B. The Environmental Health Division of the County of San Mateo is authorized to enforce, on behalf of the Town, Chapter 4.114 “Reusable Bags” of Title 4 “Sanitation and Health” of the San Mateo County Ordinance Code, and any amendments thereto, within the jurisdiction areas of the Town. Such enforcement authority includes, but is not limited to, the authority to hold hearings and issue administrative fines.”

2. SEVERABILITY. If any part of this ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance or the applicability of this ordinance to other situations.

3. ENVIRONMENTAL REVIEW. On October 23, 2012, the County adopted a Program EIR that analyzed the impacts of this reusable bag ordinance if adopted in cities throughout the County, including the Town of Portola Valley, as well as neighboring jurisdictions. The Program EIR was adopted pursuant to the California Environmental Quality Act, Public Resources Code Section 21000 *et seq.* (“CEQA”) and California Code of Regulations, Title 14, Section 15000 *et seq.* (“CEQA Guidelines”). The Program EIR is incorporated by reference herein.

Pursuant to Section 15096 of the CEQA Guidelines, the Town acts as a responsible agency for adoption of this ordinance within the Town. Upon independent review of the Program EIR and all the evidence before it, the Town Council makes the following findings:

A. The Program EIR is complete, correct, adequate, and prepared in accordance with CEQA, CEQA Guidelines, and the public comment period; and

B. On the basis of the Initial Study, Notice of Preparation, Program EIR, and public comment received by both the County and the Town, there is no substantial evidence that the project as proposed will have a significant effect on the environment; and

C. Adoption of this ordinance and analysis of the Program EIR reflects the independent judgment of the Town Council; and

D. No subsequent environmental review is necessary as none of the conditions listed in CEQA Guidelines Section 15162(a) are applicable to the adoption of this ordinance. Adoption of this ordinance is an activity that is part of the program examined by the County’s Program EIR and is within the scope of the project described in the County’s Program EIR.

E. A Notice of Determination shall be filed pursuant to CEQA Guidelines sections 15094 and 15096.

4. EFFECTIVE DATE; POSTING. This ordinance shall become effective April 22, 2013, and shall be posted within the Town in three public places.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

ATTEST:

\_\_\_\_\_  
Town Clerk

By: \_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Town Attorney

October 22, 2012



The Honorable Adrienne J. Tissier  
Chair, San Mateo County Board of Supervisors  
400 County Center  
Redwood City, CA 94063

**RE: Single-Use Carryout Bag Ordinance**

Supervisor Tissier,

On behalf of the California Grocers Association, I write to inform you of our comfort implementing the ordinance regulating the distribution of single-use carryout bags as presented on the October 23 agenda. It is critical carryout bag regulations meet their intended environmental goals, respect consumers, and minimize impacts on retailers. We believe the ordinance as proposed meets these tests. We also strongly encourage all jurisdictions participating in the Final EIR to pursue this same ordinance in order to maximize the environmental gain and avoid competitive disadvantages for retailers.

The California Grocers Association is a non-profit, statewide trade association representing the food industry since 1898. CGA represents approximately 500 retail member companies operating over 6,000 food stores in California and Nevada, and approximately 300 grocery supplier companies. Retail membership includes chain and independent supermarkets, convenience stores and mass merchandisers. CGA members include a number of grocery companies operating in San Mateo County.

The policy of banning single-use plastic bags and allowing recyclable paper bags for a charge has shown to encourage reusable bag use, provide consumers no-cost and low-cost carryout options, and minimize operational and financial impacts to retailers. Over 60 California jurisdictions have passed this type of ordinance including all jurisdictions in Alameda and San Luis Obispo Counties, the Counties of Los Angeles, Marin and Santa Cruz, as well as the Cities of San Jose, Sunnyvale, Millbrae and San Francisco.

By banning single use plastic bags and placing a charge on single use paper bags consumers are encouraged to use reusable bags while still retaining a choice at checkout. Industry experience in California has shown within a year after ordinance implementation over 90% of consumers bring a reusable bag to the store or take no bag at all from the store.

We believe it is critical all jurisdictions participating in the Final EIR adopt the same carryout bag ordinance in order avoid a patchwork of regulation. Industry experience has shown inconsistent regulation confuses consumers and creates competitive disadvantages for retailers operating near neighboring jurisdictions, as well as for retailers with multiple store locations in different jurisdictions. With grocery companies averaging a 1% profit margin any unnecessary impact, such as a regulatory disadvantage, can have dramatic negative impacts.

Thank you for your consideration and please consider CGA a partner to encourage reusable bag use.

Sincerely,



TIMOTHY M. JAMES  
Manager, Local Government Relations

cc: Members, San Mateo County Board of Supervisors  
Mr. Dean D. Peterson PE, REHS, Director Environmental Health  
Participating Municipalities in the Final Environmental Impact Report

**Brandi de Garneau**

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**From:** Allison Chan [allison@savesfbay.org]  
**Sent:** Friday, October 26, 2012 4:37 PM  
**To:** Maryann Derwin; John Richards; Jeff Aalfs; Ted Driscoll; Ann Wengert  
**Cc:** Brandi de Garneau; tjames@CAGrocers.com  
**Subject:** San Mateo Co. bag ordinance  
**Attachments:** SMC Co Bag Op-Ed\_10-25-12.pdf

Mayor Derwin and Councilmembers,

I wanted to make sure you saw this op-ed from yesterday's San Mateo Daily Journal (attached). As you may already know, the Board of Supervisors unanimously passed a single-use bag ordinance for the unincorporated county. Save The Bay and the California Grocers Association look forward to working with you to implement this policy in Portola Valley. Please do not hesitate to contact us – our information is below.

Thank you for your leadership.

Sincerely,

Allison Chan

--  
Allison Chan  
Policy Associate, Save The Bay  
[allison@saveSFbay.org](mailto:allison@saveSFbay.org) | 510.463.6818 | [@saveSFbay](https://www.facebook.com/saveSFbay)  
WATCH: [One Couple's Fight to Save The Bay](#)

**Timothy James**  
Manager, Local Government Relations  
California Grocers Association  
1215 K Street, #700  
Sacramento, CA 95814  
Phone: 916-448-3545  
Cell: 916-832-6149



## OP-ED: All San Mateo cities should adopt county bag ban

*October 25, 2012, 05:00 AM By David Lewis and Ron Fong*

The recent passage of a model bag ban by the San Mateo County Board of Supervisors could be a boon for the Bay without harming businesses. **To protect the Bay from trash and level the playing field for businesses from San Jose to San Francisco, all cities in San Mateo County should adopt this simple, effective ordinance.**

The ordinance bans single-use plastic bags at all retail stores, except restaurants, and requires businesses to charge customers a minimum of 10 cents for each paper bag. **The California Grocers Association supports this regional approach that creates consistency for businesses and consumers** while benefiting the environment. Bans combined with store charges are also a powerful incentive to nudge consumers to bring their own reusable bags. According to the association, stores located in cities that require bag charges report that up to 90 percent of customers bring their own, a clear win for the environment.

The impact of plastic bag pollution on our rivers, bays and oceans is well documented. Plastic never biodegrades in a marine environment, and it smothers wetlands and chokes wildlife. Even if people are conscientious about not littering, lightweight bags blow out of uncovered garbage cans, down storm drains and into our waterways. **Californians use 19 billion plastic bags annually, and at least 1 million end up in San Francisco Bay.** Eliminating this pervasive litter doesn't just benefit the environment; it saves cities from spending money to unclog storm drains and clean streets and creeks. Regulating bags will help everyone's bottom line.

**San Mateo County partnered with more than 20 cities, including six in neighboring Santa Clara County, and conducted a full environmental impact report to develop this model ordinance.** The results speak for themselves in this week's unanimous vote by the San Mateo County Board of Supervisors to approve the recommendation. **Now it's time for cities to move forward and adopt a uniform approach throughout the county.**

A healthy San Francisco Bay is essential to our quality of life and our economy. As more cities ban plastic bags, and encourage consumer adoption of reusable bags region-wide, it will make a huge difference for the Bay and wildlife, while reducing consumer confusion.

Thanks to the leadership of San Francisco, San Jose and other cities, half the Bay Area population now lives in communities where bans on single-use plastic bags are in force or imminent. **All cities in San Mateo and Santa Clara counties should join them, and make the whole Peninsula plastic bag-free.**

**David Lewis is executive director of Save The Bay, the San Francisco Bay Area's oldest and largest organization working to protect and restore the Bay. Ron Fong is president and CEO of the California Grocers Association, a nonprofit, statewide trade association representing the food industry since 1898.**



December 3, 2012

Mayor Maryann Moise Derwin  
Town of Portola Valley  
765 Portola Road  
Portola Valley, CA 94028

**Re: Reusable Bag Ordinance – Support**

Dear Honorable Mayor Carpenter,

Californians Against Waste (CAW) respectfully urges you to support a Reusable Bag Ordinance in the Town of Portola Valley.

Single-use plastic bags are a costly, environmentally damaging, and easily preventable source of litter and pollution. Light and aerodynamic, plastic bags are uniquely litter-prone even when properly disposed of, and pose a serious threat to our environment and wildlife. Plastic pollution kills thousands of birds, turtles and other species and threatens California's multi billion dollar ocean-based economy. When they are no longer visible to the naked eye, plastic bags are still not gone but have degraded into particles that adsorb toxins and contaminate our food chain and water.

In addition to the environmental benefits of this ordinance, there are considerable direct economic benefits for the Town, including lowered litter and clean up costs, reduced maintenance and sorting costs for the curbside recycling program, decreased clogging and cleanup of stormwater systems, and of course diminished grocery costs. Portola Valley residents are currently using over 2.3 million plastic bags annually. These "free" bags cost grocers nearly \$40,000 each year, a cost that is then passed on to their customers. The ordinance is expected to reduce plastic bag usage by 95%.

Single-use bag ordinances, as evidenced by recent numbers from Los Angeles County, can also reduce paper bag distribution. LA County's plastic bag ban, paired with a ten cent charge on paper bags, resulted in a 95% overall reduction of all single-use bags in covered stores, including a 25% reduction of paper bags.

CAW has worked with retailers, bag manufacturers, and local governments to try to manage single-use plastic bags through recycling. We sponsored AB 2449 (Levine) which provides in-store recycling for plastic bags. Despite establishing the state's largest collection infrastructure for any single material, efforts to manage plastic bags through recycling have failed. In 2009, only 3% were returned for recycling. Efforts earlier this year to enact a statewide ban of plastic bags with AB 298 (Brownley) failed to pass. Portola Valley and other municipalities, who are primarily responsible for the clean-up and cost of plastic litter, cannot wait for state action.

Plastic marine pollution is a global problem with local solutions. The phase out of single-use bags is a proven solution for combating waste and the costs of plastic bag litter. CAW thanks the Town for its environmental leadership and urges you to continue this tradition of leadership by supporting the Reusable Bag Ordinance.

Sincerely,

A handwritten signature in black ink that reads "Mark Murray".

Mark Murray  
Executive Director

cc: Town Council Members



# MEMORANDUM

## TOWN OF PORTOLA VALLEY

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**TO:** Town Council  
**FROM:** Tom Vlastic, Town Planner  
**DATE:** December 12, 2012  
**RE:** Public hearing to Review November 7, 2012 Planning Commission Approval of Amendments to Blue Oaks PUD X7D-137 and Lot Line Adjustment X6D-214

### RECOMMENDATION

It is recommended that on December 12, 2012 the council conduct the subject noticed public hearing to review the November 7, 2012 planning commission approvals of the amendments to the Blue Oaks PUD and Lot Line Adjustment (LLA). It is also recommended that after the close of the public hearing the council concur with the planning commission approvals, which would allow for the proposed sale of 3 and 5 Buck Meadow Drive consistent with the tentative sales agreement with the Buck Meadow LLC.

### BACKGROUND, PLANNING COMMISSION ACTION, COUNCIL DECISION TO REVIEW THE PLANNING COMMISSION ACTIONS, AND FOCUS OF REVIEW ISSUES

On November 14, 2102 the town council considered the attached November 14, 2012 report from the town planner and also received public input as recorded in the minutes of the council meeting that are available online. Based on this consideration, the town council concurred that the planning commission actions should be reviewed and set the public hearing for the review at the December 12, 2012 regular council meeting. Public notices for the meeting were then placed and distributed as required by town ordinances.

As pointed out in the November 14<sup>th</sup> report and in the comments from staff at the November 14<sup>th</sup> council meeting, the intent is for the council to review the commission decisions and to permit the council to respond to public comments that the planning commissioners found were beyond the scope of their consideration in acting on the proposed PUD amendments and lot line adjustment. These largely focus on the following issues/comments:

- Sale of the Blue Oaks lots is premature and there should be more exploration of options for development of the necessary Below Market Rate (BMR) housing on the Blue Oaks lots.
- If the Blue Oaks lots are sold, the Blue Oaks subdivision BMR responsibility will have been eliminated and this will raise the issue of project conformity with the town's subdivision ordinance provisions for affordable housing.

- Since the council has stated that sale of the Blue Oaks lots is intended to fund the purchase of 900 Portola Road for a possible affordable housing project, the project for the PUD amendment and LLA should be modified to include plans for 900 Portola Road and these plans should also be subject to project environmental review. Otherwise, the process would be “piece-mealing” and contrary to the requirements of the California Environmental Quality Act (CEQA).

The comments that follow address these questions and staff will be prepared to expand on them and as necessary during the course of the public hearing.

## **DISCUSSION OF ISSUES AND REVIEW OF PLANNING COMMISSION ACTION**

The following comments address the key questions raised by members of the community and summarized above. These have been addressed in various responses on the town’s website on to the “frequently asked questions” relative to the Blue Oaks lots and purchase of 900 Portola Road. In any case, the following comments are offered and also reflect specific input from the town attorney.

1. Sale of the Blue Oaks lots is premature and there should be more exploration of options for development of the necessary Below Market Rate (BMR) housing on the Blue Oaks lots. In addition to this comment, we have received input from Keep PV Rural asking why the town did not reach out to other affordable housing developers relative to the Blue Oaks lots as provided for in the housing element before deciding to pursue purchase of 900 Portola Road.

As to the housing element program to seek input from additional affordable housing developers, it was concluded that the efforts during the 2000-2005 period (including conversations and/or meetings with five affordable housing developers) were extensive and imposed a considerable demand on limited town resources. Further, in late 2009, the town attorney and/or town manager reached out again to three of the affordable housing developers about these lots and received essentially the same reactions to the earlier discussions relative to the feasibility of a project on the Blue Oaks lots.

When the opportunity presented itself to consider acquisition of 900 Portola Road, it was pursued based on what was learned during the earlier discussions with affordable housing developers as to what it might take to do a moderate rate housing project in the town. The Portola Road site has less basic constraints and is closer in to services and public facilities. Further, there are very few parcels available in town of a size and location similar to 900 Portola Road. Thus, the town decided to pursue this opportunity.

After many years of trying to find a developer that could do a moderate rate, minimum eight unit for-sale project at the Blue Oaks site, and with the opportunity to consider 900 Portola Road, the decision was made to pursue the current course of action. At the same time, there is no certainty that an acceptable plan for 900 Portola Road will be identified and any proposal will need to proceed through the normal town review and entitlement process. This could result in required design changes for site and area compatibility that may make an affordable housing project infeasible. This, however, will be determined through the normal town public review process. Also, if the site can’t be cleaned of hazardous materials town purchase could be adversely impacted.

Based on the foregoing, the years of effort relative to the Blue Oaks lots, and provisions of the certified housing element, sale of the Blue Oaks lots does not appear premature, particularly now that a buyer has stepped forward to pay the asking price for the properties. Further, the sale of the Blue Oaks lots and the intent to purchase 900 Portola Road as a potential site for moderate income housing represent a good-faith effort by the Town to fulfill the commitments made to the State Department of Housing and Community Development as part of the 2009 certified housing element.

2. If the Blue Oaks lots are sold, the Blue Oaks subdivision BMR responsibility will have been eliminated and this will raise the issue of project conformity with the town's subdivision ordinance provisions for affordable housing. The developer of Blue Oaks fully met the requirements for affordable housing as set forth in the housing element and subdivision ordinance. The lots were provided to the town as a requirement of the subdivision and the town has considered what it would take to develop them and modified the housing element based on this experience. All ordinance provisions were satisfied. Now the town is facing the reality of not being able to develop the eight moderate rate units on the Blue Oaks site and is looking to alternatives as to what it would take to make the eight units a reality.
3. Since the council has stated that sale of the Blue Oaks lots is intended to fund the purchase of 900 Portola Road for a possible affordable housing project, the project for the PUD amendment and LLA should be modified to include plans for 900 Portola Road and these plans should also be subject to project environmental review. Otherwise, the process would be "piecemealing" and contrary to the requirements of the California Environmental Quality Act (CEQA). The sale of the Blue Oaks lots will generate funds that can only be used for affordable housing. These funds will be protected until a feasible project can be identified. At this point there is no plan for 900 Portola Road other than to pursue purchase and it is not certain that a feasible affordable rate plan/project can be prepared for the site, especially considering the project review and entitlement effort that would be needed. Since there is not a project, it can't be subjected to environmental review. Further, recent input relative to the clean up of soils at the 900 Portola Road site raise questions about the ability to pursue, in any timely way, a plan for the property.

At the same time, the opportunity to sell the Blue Oaks lots has presented itself and will at least address the issues the town has encountered in trying to develop them. The funds ultimately may or may not be used for purchase of 900 Portola Road, but in any case will be used for affordable housing in line with the Blue Oaks commitments and provisions of the housing element.

Based on the foregoing and town attorney review of the specific CEQA questions, it is concluded that the planning commission actions are not "piecemealing" and there is no project related to 900 Portola Road that can be evaluated.

Based on these responses and the planning commission action record, it is recommended that the town council uphold the approvals as granted by the planning commission on November 7, 2012.

### **FISCAL IMPACT**

Concurrence with the planning commission actions will permit the sale of the Blue Oaks lots consistent with the terms of the sales agreement and the certified housing element. If the actions are modified or overturned, then the sale would be impacted. This would likely result in

more efforts to develop the Blue Oaks lots and considerable additional cost for town staff and consultants to seek a developer and plan for the Blue Oaks lots. At least the sale provides more opportunity to find a real solution leading to the actual development of the eight units.

#### **ATTACHMENTS**

- November 14, 2012 report to the Town Council

Minutes from the planning commission and ASCC meetings referenced in the November 14<sup>th</sup> report and herein are available online at the town's website. For reference, however, the November 7, 2012 planning commission meeting minutes have been included with the 12/12 council meeting packet.

**APPROVED** – Nick Pegueros, Town Manager *N.P.*

cc. Sandy Sloan, Town Attorney  
Alex Von Feldt, Planning Commission Chair  
Steve Padavon, Interim Planning Manager  
Blue Oaks Homeowners Association



# MEMORANDUM

## TOWN OF PORTOLA VALLEY

**TO:** Town Council

**FROM:** Tom Vlastic, Town Planner

**DATE:** November 14, 2012

**RE:** **Report on November 7, 2012 Planning Commission Approval of Amendments to Blue Oaks PUD X7D-137 and Lot Line Adjustment X6D-214, and Consideration of Town Council Review of Planning Commission Action**

### RECOMMENDATION

It is recommended that the council receive the report from the town planner on the subject planning commission approvals and then determine if the council desires to review the approvals pursuant to section 18.78.120 of the zoning ordinance. It is noted that a number of comments provided during the planning commission hearing were related to council actions and decisions and not the specific applications before the commission or matters the commission could comment on. These matters are more appropriate for council consideration.

### BACKGROUND AND REPORT OF PLANNING COMMISSION ACTIONS

The subject PUD amendment and Lot Line Adjustment applications were initiated by town staff at the direction of the town council to assist in implementing provisions of the town's State certified housing element. The planning commission conducted a preliminary public review of the proposals on October 3, 2012 and completed the required public hearing and approvals on November 7, 2012. The applications were also considered by the ASCC at public meetings on October 8 & 22, 2012 and the 10/22 review included a site meeting.

At the November 7<sup>th</sup> Commission hearing, the commission considered the attached November 1, 2012 report from the town planner and new information including public testimony, the attached November 7, 2012 letter from Keep PV Rural, and the October 31, 2012 letter from Jerry Secrest, 250 Willowbrook Drive. The town planner and town attorney addressed the comments in the 11/7/12 letter from Keep PV Rural and answered questions presented during the public hearing.

Based on the staff report and information presented at the public hearing, the planning commission acted 4-0 (Gilbert absent) to approve the applications as follows:

#### Proposed PUD Amendments

Move to make the required PUD approval findings under Section 18.72.130 of the zoning ordinance as evaluated in the staff report, to find the proposed PUD

amendments categorically exempt from the CEQA pursuant to Section 15305, minor alternations to land use limitations, and to approve Alternatives 1 and 2 with the alternative actually to be implemented based on the final purchase agreement for sale of the lots as needed to allow the town council to complete actions consistent with the provisions of the state certified housing element. This approval is subject to the condition that if Alternative 2 is implemented and the Blue Oaks HOA acquires both lots, the PUD provisions shall be as provided for in the October 19, 2012 "*Single Lot Alternative Plan*" and "*Single Lot Configuration Notes for Lots 23-26*." If, however, the HOA is only able to acquire Lot A for open space, the PUD provisions for Lot B shall be generally consistent with the "*Single Lot Configuration Notes*," but shall be subject to final adjustment by the ASCC prior to recording. Such adjustment would be relative to the building envelope and height provisions so that they are similar to what is provided for with Alternative 1 for Lot B.

#### Proposed Lot Line Adjustment

Move to find that the proposed lot line adjustment is consistent with the provisions of Section 17.12.020 of the subdivision ordinance as evaluated in the staff report, to find the proposed lot line adjustment categorically exempt from the CEQA pursuant to Section 15305, minor alternations to land use limitations, and approve the lot line adjustments with the condition that the actual adjustment would correspond to the final form of the PUD amendments as completed with the purchase agreement for the sale of the Blue Oaks lots.

During the course of the public hearing, the planning commission received considerable testimony relative to the town council decision to pursue the purchase of 900 Portola Road for affordable housing. Staff and commissioners advised the public that the subject applications were separate from any future proposals that might be considered for use of the funds from the sale of the Blue Oaks lots for affordable housing. It was also stressed that any future proposals would be considered on their own merits pursuant to normal town planning project review requirements.

#### **DISCUSSION AND CONSIDERATION OF COUNCIL REVIEW OF PLANNING COMMISSION ACTION**

Planning commission action on PUD (use permit) applications or lot line adjustments are final within 15 days of the action unless appealed pursuant to the provisions of Section 18.78 of the zoning ordinance. The town council may, however, elect to review a commission action and the council review is to take place within 10 days of the planning commission action or at the next regular council meeting. Given the scope of comments offered at the planning commission meeting, it is recommended that the council briefly review the matter at the November 14, 2012 meeting and also act to set the matter for public hearing and give formal notice for the hearing. It is further recommended that the hearing be set for the December 12, 2012 regular council meeting.

Additional background from the town planner and town attorney on the planning commission public hearing and action will be provided at the November 14, 2012 council meeting.



### **FISCAL IMPACT**

There will be staff costs, including those from the town planner and town attorney, associated with preparation of materials for the public hearing or in response to hearing input. The scope of these would be dependent on the issues that would need to be addressed based on written and oral testimony that is presented in association with any public hearing.

### **ATTACHMENTS**

- November 1, 2012 report to the Planning Commission with attachments
- November 7, 2012 letter from Keep PV Rural
- October 31, 2012 letter from Jerry Secret, 250 Willowbrook Drive

Minutes from the October 3, 2012 planning commission meeting are available online as are the minutes from the October 8 and 22, 2012 ASCC meetings. Minutes from the November 7, 2012 planning commission hearing have yet to be prepared.

**APPROVED** – Nick Pegueros, Town Manager *N.P.*

cc. Sandy Sloan, Town Attorney  
Alex Von Feldt, Planning Commission Chair  
Steve Padavon, Interim Planning Manager



# MEMORANDUM

## TOWN OF PORTOLA VALLEY

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**TO:** Planning Commission  
**FROM:** Tom Vlastic, Town Planner  
**DATE:** November 1, 2012  
**RE:** Proposed Amendment to Blue Oaks PUD X7D-137,  
Lots 23-26, 3 & 5 Buck Meadow Drive, and  
Lot Line Adjustment X6D-214, Town of Portola Valley

### **Request, Background, Alternatives for PUD Amendment**

On November 7, 2012 the planning commission will conduct a public hearing on the subject proposed applications for amendments to the Blue Oaks Planned Unit Development (PUD) and Lot Line Adjustment (LLA) to confirm PUD amendments. The applications are being processed at the direction of the town council to assist in implementing the provisions of the town's State certified housing element of the general plan.

The requests are presented in detail in the attached September 27, 2012 town planner report prepared for the October 3, 2012 planning commission meeting. At the 10/3 meeting the commission conducted a preliminary review of the applications and, following the preliminary review, the proposals were considered at the October 8 and October 22, 2012 ASCC meetings. The October 22<sup>nd</sup> meeting included an afternoon site session. Based on this consideration and interaction with representatives of the Blue Oaks homeowner association, as committed to at the 10/3 commission meeting, possible alternatives to the applications have been identified and found acceptable by town representatives with the understanding that certain actions would be completed before the PUD amendments would become effective or the lot line adjustment recorded.

Based on the foregoing, and as further discussed under the evaluation section of this report, at the conclusion of the November 7<sup>th</sup> public hearing, the planning commission is being asked to approve two alternative PUD amendments. Only one would become effective and the alternative that would be implemented would be based on the contract(s) between the Town and a buyer or buyers. The two alternatives are:

**ALTERNATIVE 1.** Two market rate lots with the PUD changes as presented on Exhibits A and B of the attached September 27, 2012 report to the planning commission. This alternative would become effective if Alternative 2 is not completed **and** then only upon close of escrow for the sale of both the two new Blue Oaks market rate lots.

**ALTERNATIVE 2.** This alternative is composed of an option that has been presented to the town by representatives of the Blue Oaks HOA. The option would include Lot A in open space and Lot B retained for market rate residential development. The option was presented with some understanding that the HOA intends to pursue purchase of one or both lots. With the HOA proposals, the lot lines and building envelope for Lot B would be modified pursuant to the HOA proposal and PUD development provisions as presented on the attached "**SINGLE LOT ALTERNATIVE**," Blue Oaks Homeowners Association, October 19, 2012, and described in the attached "*Single Lot Configuration Notes for Lots 23-26*," also dated October 19, 2012. The PUD options under this alternative and recording of the LLA would be effective only upon close of escrow for the sale of the Blue Oaks properties. (Note: The attached single market lot *Alternative 2* plan was prepared from HOA data by the town planner for ease of comparison to *Alternative 1*.)

The HOA proposals reflect the member concerns articulated in their attached October 3, 2012 letter to the planning commission and October 5, 2012 letter to the ASCC. The alternative proposals, including potential HOA purchase, were conceptually shared with town representatives at an October 19, 2012 site meeting and then presented to the ASCC at the October 22<sup>nd</sup> site and evening sessions. Both ASCC sessions were attended by a number of community members including Blue Oaks and other interested town residents.

### **Framework for Planning Commission Action**

As explained in the materials for the October 3, 2012 preliminary review, to grant the PUD amendment, the planning commission must consider and make findings under the provisions of Section 18.72.130 of the zoning ordinance (copy attached). All of the findings were considered when the Blue Oaks project was evaluated and were made with the original PUD and subdivision approvals. The density allowed for under the zoning and PUD was higher than eventually approved and the parcel consolidation now planned would be less density and intensity of use than allowed for in the current PUD. The density and location of development, relative to physical impacts, including traffic, visual impacts, etc., were all considered in the certified EIR for the Blue Oaks development.

Pursuant to Section 17.12.020 of the subdivision ordinance and State law, a lot line adjustment can be processed as an exception to the normal subdivision procedures. The main elements of processing are that the planning commission hold a noticed public hearing and that review and actions be confined to the commission's determination that the adjustment is in compliance with the zoning and building regulations, no easements or utilities are adversely impacted, and that the change would not result in a greater number of parcels than originally existed. Further, when approved by the commission, the adjustment must be reflected in a recorded deed or record of survey.

### **Evaluation**

The attached September 27, 2012 report to the planning commission evaluates Alternative 1 and the October 18, 2012 report to the ASCC provides responses and evaluations relative to the one lot option and other concerns of the HOA and ASCC as discussed at the 10/8 evening ASCC meeting. The 10/18 report to the ASCC includes background on the existing PUD provisions, including EIR alternative considerations, and compares the proposed two-

lot alternative to the PUD standards as they apply to all other lots in the PUD. (*Minutes from the October 3<sup>d</sup> planning commission meeting and October 8, 2012 ASCC meeting are available online at the town's web site. Minutes from the 10/22 ASCC meeting are not yet available, but ASCC input from that meeting is summarized below.*)

Based on the above referenced evaluations, it is demonstrated that two lots in the area of the four subject lots were considered with the EIR alternatives for the original project and that whether the land is developed for four lots with 8 affordable housing units, two lots with two market rate units, one open space lot and one market rate lot, or the lots retained for all open space there would not be a density issue or other environmental constraints. Further, the subject lots do have significant presence on open space areas including Buck Meadow Preserve and the town owned Redberry Preserve. Clearly, the sites contain a number of trees and any development would likely impact some, but this would occur also with current PUD provisions for four lots and eight units with associated driveways, parking areas and accessory uses.

The site was originally found acceptable for development as it conforms to general plan land use designations and zoning provisions for residential development and is not constrained by geologic limitations like those that exist on the slopes of Coal Mine Ridge and within the Los Trancos Road corridor. Access to the site is readily provided by both Buck Meadow Drive and Redberry Ridge, and utilities are also present to serve the properties.

In summary, we conclude that a two market rate lot adjustment (*Alternative 1*), or a two lot plan with one lot in open space (*Alternative 2*), would be consistent with the established PUD framework and town general plan and zoning provisions. Also, as noted above and in the materials for the ASCC meetings, an open space option for the entire 2.47-acre area would be consistent with the PUD framework and evaluations.

The lot line adjustment would not increase the potential number of lots or density, as both would be reduced under either of the alternatives. Further, the scope of permitted development, i.e., number units, floor area and impervious surface area, off street parking, etc., would all be reduced from current conditions that were found acceptable with original PUD and subdivision approvals.

The lot line adjustment would not adversely impact easements, and the only easement in question, i.e., the joint access easement from Buck Meadow Drive, would be eliminated with the recording of the lot line adjustment. It is noted that if Alternative 2 is pursued the existing dividing line between 3 and 5 Buck Meadow Drive would be shifted 20 feet to the north and this would be part of the final, recorded LLA.

At the October 22, 2012 ASCC meeting, ASCC members found Alternative 1 acceptable and discussed the one lot alternative suggested by the HOA. Members noted that if the HOA could only purchase proposed Lot A for open space, that the building envelope on proposed Lot B may need to be changed from what is shown on the HOA plan to meet the Town's marketing requirements for sale of the lot. Further, the ASCC suggested that if the town were left to market Lot B and not the HOA, then driveway access to the building envelope would likely be preferred from Redberry Ridge and not Buck Meadow Drive. These variations are, however, not being pursued or proposed at this time.

### **Environmental Impact Review, CEQA compliance**

The development of the area of Lots 23 through 26 was confirmed with the certified Blue Oaks EIR. As explained above and in the attached referenced materials, the changes reduce the scope of possible development but allow for residential uses of the parcels within the standards required for all Blue Oaks lots based on EIR findings. Thus, and given the provisions of the general plan's State certified housing element, and discussions with the town attorney, we have concluded that the subject PUD amendments are categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15305, minor alternations to land use limitations. In this case, the density and intensity of land use is being reduced, but would be fully within the findings made for the Blue Oaks PUD.

A lot line adjustment project is also categorically exempt from CEQA. Section 15305 of the CEQA guidelines specifically states a lot line adjustment is exempt when it does not result in creating any new additional parcels.

### **Recommendations for Action**

Based on the foregoing and unless information at the public hearing leads to other determinations, the following actions are recommended:

#### *Proposed PUD Amendments*

Move to find the proposed PUD amendments categorically exempt from the CEQA pursuant to Section 15305, minor alternations to land use limitations, and to approve Alternatives 1 and 2 with the alternative actually to be implemented based on the final purchase agreement for sale of the lots as needed to allow the town council to complete actions consistent with the provisions of the state certified housing element.

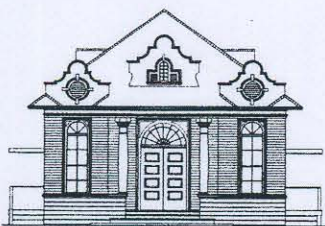
#### *Proposed Lot Line Adjustment*

Move to find the proposed lot line adjustment categorically exempt from the CEQA pursuant to Section 15305, minor alternations to land use limitations, and approve the lot line adjustments with the condition that the actual adjustment would correspond to the final form of the PUD amendments as completed with the purchase agreement for the sale of the Blue Oaks lots.

TCV

Attach:

cc. Nick Pegueros, Town Manager  
Sandy Sloan, Town Attorney  
Steve Padovan, Interim Planning Manager  
Maryann Derwin, Mayor  
John Richards, Town Council Liaison  
Blue Oaks Homeowners Association



# MEMORANDUM

## TOWN OF PORTOLA VALLEY

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**TO:** Planning Commission  
**FROM:** Tom Vlastic, Town Planner  
**DATE:** September 27, 2012  
**RE:** Preliminary Review, Amendment to Blue Oaks PUD X7D-137,  
Lots 23-26, 3 & 5 Buck Meadow Drive, and  
Lot Line Adjustment X6D-214

### Request and Background

This is a preliminary review of the subject conditional use permit/planned unit development (PUD) amendment and Lot Line Adjustment (LLA) applications for Lots 23 through 26 of the Blue Oaks development (refer to attached vicinity map). The applications are being processed at the direction of the town council to assist in implementing the provisions of the town's State certified housing element. The attached vicinity map shows the locations of the four lots that would be subject to the PUD amendment and LLA. The lots have the following addresses, assessor's parcels numbers and areas:

3 Buck Meadow Drive (combined area of 1.34 Acres):

Lot 23 – 26,627 sf

Lot 24 – 31,640 sf

(APNs: 080-241-230 & 240)

5 Buck Meadow Drive (Combined area of 1.13 Acres):

Lot 25 – 22,607 sf

Lot 26 – 26,760 sf

(APNs: 080-241-250 & 260)

The purpose of the PUD amendment and LLA is to merge the four lots identified in the existing Blue Oaks PUD for below market rate housing into two parcels to be sold for market rate housing development. The new parcels would be Lot A (5 Buck Meadow Drive) and Lot B (3 Buck Meadow Drive) as shown on the attached PUD amendment Exhibit A, dated September 2012, prepared by NV5 Engineering. The proposed PUD statement changes to support the modified lots are identified in attached Exhibit B.

Background to the request is presented on the town's website which includes a question and answer section explaining the problems the town has had in attempting to identify an entity to construct affordable housing in Blue Oaks on the subject four parcels. The matter is further considered in the town's State certified housing element where programs now

support town efforts to find an alternative site to accommodate the eight (8) moderate rate, affordable housing units that were to be built on the four Blue Oaks lots. The town council is now pursuing an alternative site and the proceeds from the sale of the two modified Blue Oaks parcels would be used to fund acquisition and, to the extent possible, development of affordable housing on the alternative site, as provided for in the town's housing element. Again, much of the background to this effort is set forth on the town's website under the link: <http://www.portolavalley.net/index.aspx?page=492>.

### **Preliminary Evaluation**

To grant the PUD amendment, the planning commission must consider and make findings under the provisions of Section 18.22.030 C. of the zoning ordinance (copy attached). All of the findings were considered when the Blue Oaks project was evaluated and were made with the original PUD and subdivision approvals. The density allowed for under the zoning and PUD was higher than eventually approved and the parcel consolidation now planned would be less density and intensity of use than allowed for in the current PUD. The density and location of development, relative to physical impacts, including traffic, visual impacts, etc., were all considered in the certified EIR for the Blue Oaks development.

Pursuant to Section 17.12.020 of the subdivision ordinance and State law, a lot line adjustment can be processed as an exception to the normal subdivision procedures. The main elements of processing are that the planning commission hold a noticed public hearing and that review and actions be confined to the commission's determination that the adjustment is in compliance with the zoning and building regulations, no easements or utilities are adversely impacted, and that the change would not result in a greater number of parcels than originally existed. Further, when approved by the commission, the adjustment must be reflected in a recorded deed or record of survey.

The following preliminary review comments are offered for planning commission consideration:

- The proposed changes would modify the four existing Blue Oaks lots identified for affordable housing to two lots that would then be sold and available for development for market rate use. The number of total residential lots in Blue Oaks would be reduced from 36 to 34 and the number of potential housing units from 40 to 34.
- The four subject parcels are located roughly in the center of the developable area identified for Blue Oaks, just to the southeast of the intersection of Buck Meadow Drive and Redberry Ridge. Currently, the total development potential on the four lots is 15,200 sf of floor area (FA) and 24,000 sf of impervious surface (IS) area. The proposed modifications would reduce the potential FA by 3,800 sf and IS area by 4,000 sf (reductions of 25% and 20% respectively). The proposed FA and IS for the two modified parcels would be the same for each parcel as follows and these numbers are consistent with the minimum FA and IS standards set for lots in Blue Oaks:
  - Maximum FA = 5,700 sf per lot
  - Maximum IS = 10,000 sf per lot
- The proposed building envelopes for the modified parcels are shown on attached Exhibit A. The building envelopes reduce the possible building area for the lots from what was shown for the four affordable parcels. The existing building envelope configuration is

shown on the attached vicinity map. The building envelopes for the two modified lots as shown on Exhibit A are:

**Lot A** (5 Buck Meadow Drive) = 16,841 sf

**Lot B** (3 Buck Meadow Drive) = 18,639 sf

The total existing building envelope area is 55,100 sf. The proposed area for the two lots is 35,480 sf. This is a reduction of 19,620 sf, i.e., 36%.

In addition to reducing permitted FA and IS and the size of the building envelope area, the proposed changes also include more generous setbacks, particularly for Lot A for more separation from the residentially developed parcel to the east and from Buck Meadow Drive and Redberry Ridge. The setbacks also ensure protection of the significant grove of Blue Oaks to the southeast of the intersection of Buck Meadow Drive and Redberry Ridge. The modifications, however, preserve the Private Open Space (POSE) and storm drainage easement on the southeast side of Lot B and the slope easement along the street frontages of both parcels.

- The existing PUD assigns a two-story height limit for the four affordable lots and this height limit would also apply to the two proposed lots, with reduced building area. The other design provisions of the PUD would apply to the parcels as they apply to all other market rate lots in Blue Oaks. As a reminder, while pools are permitted on the parcels, the permitted floor area is reduced when a pool is included with a project.
- The four affordable housing parcels were not included with the Blue Oaks Homeowners Association (HOA) with the PUD and acquisition of the lots by the town. If the modifications are approved and recorded, the lots could be annexed to the HOA and the HOA CC&Rs modified to accommodate the added parcels. According to information provided by the town attorney, this would be a town council decision.
- The only easements potentially impacted by the project would be the recorded "proposed" 20 foot joint access and utility easements that extend from Buck Meadow Drive along the common boundary between the proposed two modified lots as shown on Exhibit A. The existing east to west dividing line would not be changed, but there no longer would be the need for the easements, as they were to serve development of the two existing lots that don't currently have frontage on Buck Meadow Drive. These easements would be removed with the lot line adjustment application.
- Driveway access to Lot B would be from Buck Meadow Drive as anticipated with the existing PUD provisions. Some utility boxes may have to be moved to accommodate access, but this would be the case with either the proposed modified or existing PUD. Driveway access to Lot A would preferably be from Redberry Ridge, but if a design with access from Buck Meadow Drive were found to allow a plan with less overall site a tree impacts, this would also be possible with the proposed PUD modifications.
- The proposed modified lots, as indicated by the comments offered above, would be developable within the zoning provisions set forth in the Blue Oaks PUD. The zoning standards would ensure conformity with the development permitted on the other market rate parcels in Blue Oaks. All utilities are available to the parcels, and normal requirements for final utility connections would be as for any other residential lot in Blue Oaks.



### **Environmental Impact Review, CEQA compliance**

The development of the area of Lots 23 through 26 was confirmed with the certified Blue Oaks EIR. As explained above, the changes reduce the scope of possible development but allow for residential uses of the parcels within the standards required for all Blue Oaks lots based on EIR findings. Thus, and given the provisions of the general plan's State certified housing element, and discussions with the town attorney, we have concluded that the subject PUD amendments are categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15305, minor alternations to land use limitations. In this case, the density and intensity of land use is being reduced, but would be fully within the findings made for the Blue Oaks PUD.

A lot line adjustment project is also categorically exempt from CEQA. Section 15305 of the CEQA guidelines specifically states a lot line adjustment is exempt when it does not result in creating any new additional parcels.

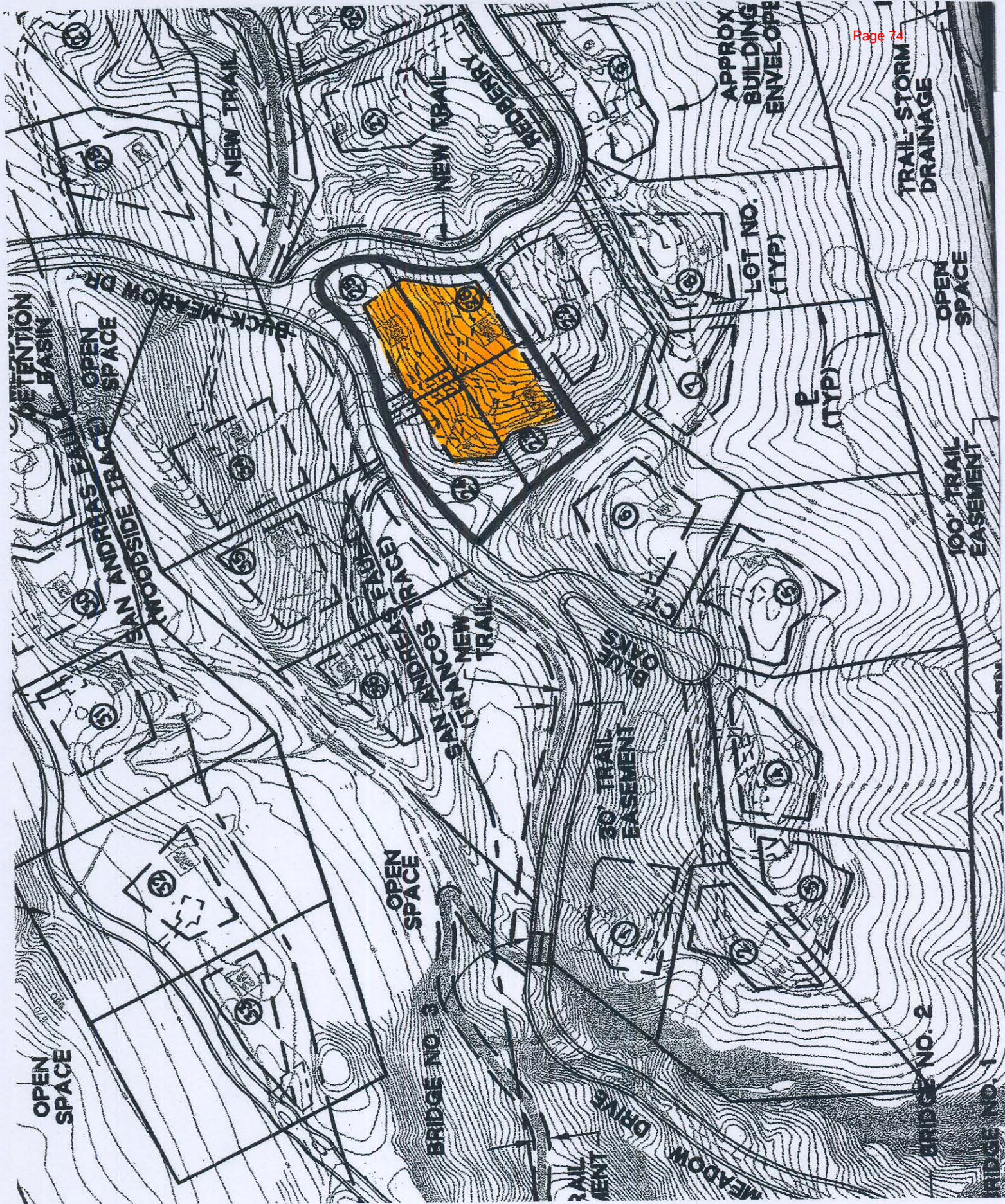
### **Next Steps**

The planning commission should conduct the October 3 preliminary review and offer any comments and reactions for consideration by staff in process of the normal use permit/PUD and LLA application review. Thereafter, the application would be circulated for consideration by the ASCC, now scheduled for the 10/8 regular ASCC meeting, and other staff members and committees. Depending on the preliminary planning commission review, and further consideration by town staff and committees, it appears that the formal commission hearing on the request would likely be set for the first planning commission meeting in November.

TCV 

Attach:

cc. Nick Pegueros, Town Manager  
Sandy Sloan, Town Attorney  
Steve Padovan, Interim Planning Manager  
Maryann Derwin, Mayor  
John Richards, Town Council Liaison  
Blue Oaks Homeowners Association



Vicinity Map

Scale: 1" = 200 feet

Blue Oaks PUD Amendment – LLA X6D-214

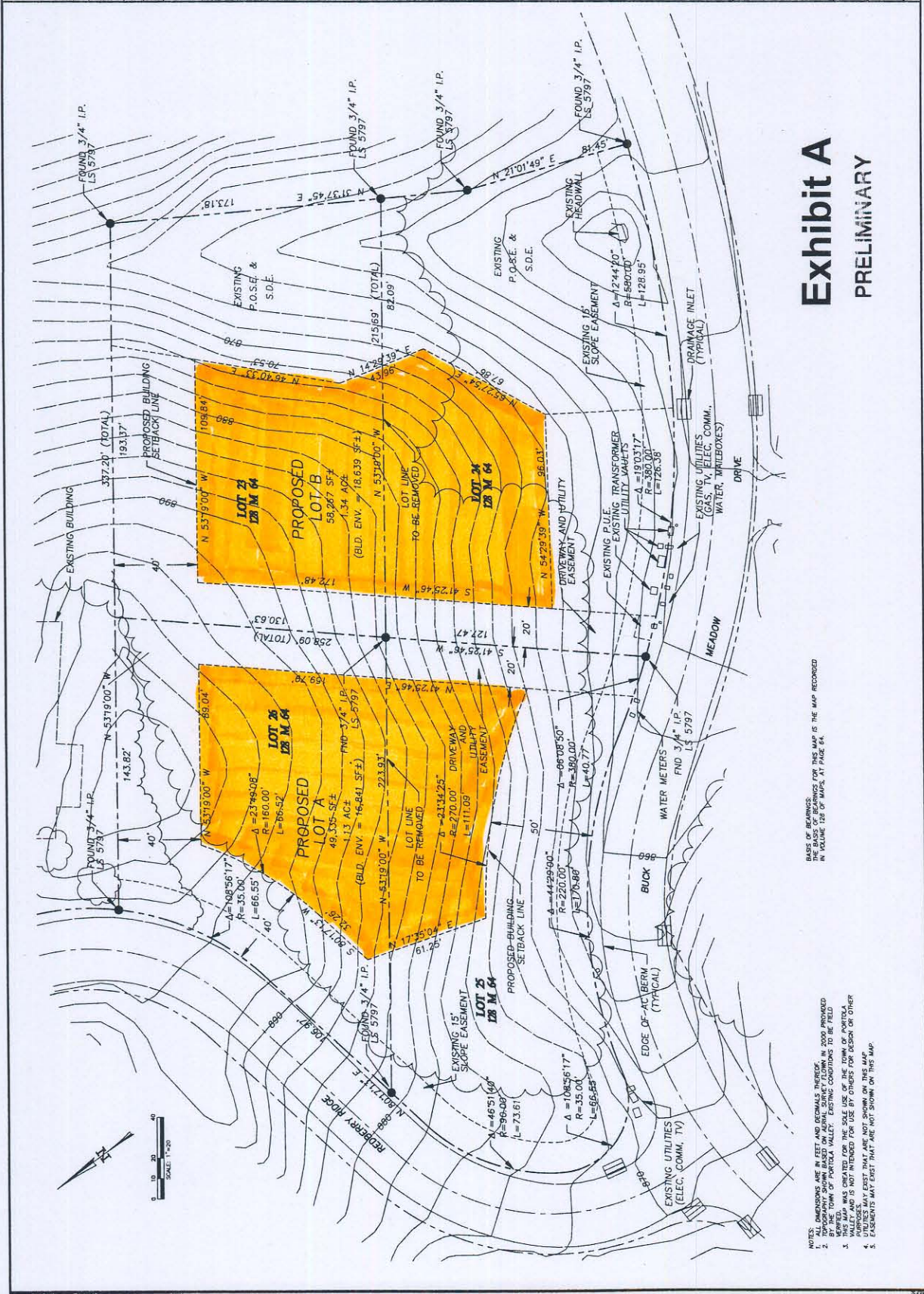
Lots 23 through 26, Blue Oaks, Town of Portola Valley  
September 2012

**PROPOSED LOT LINE ADJUSTMENT**  
**BLUE OAKS LOTS 23, 24, 25, & 26**  
 VOLUME 128 OF MAPS, PAGE 64  
 TOWN OF PORTOLA VALLEY, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

DATE SUBMITTED: SEPT. 2012  
 PREPARED FOR: TOWN OF PORTOLA VALLEY

SHEET NUMBER: 1  
 SCALE: AS SHOWN  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]

S:\007\11-819-21



# Exhibit A

## PRELIMINARY

BASE OF BEARINGS FOR THIS MAP IS THE MAP RECORDED IN VOLUME 128 OF MAPS, AT PAGE 64.

- NOTES:
1. DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
  2. ELEVATIONS SHOWN BASED ON AERIAL SURVEY FLOWN IN 2000 PROVIDED BY THE TOWN OF PORTOLA VALLEY. EXISTING CONTOURS ARE UNVERIFIED.
  3. THIS MAP IS NOT INTENDED FOR USE BY OTHERS FOR DESIGN OR OTHER PURPOSES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND EASEMENTS FROM THE APPROPRIATE AGENCIES.
  4. DIMENSIONS MAY VARY SLIGHTLY FROM THIS MAP.
  5. EASEMENTS MAY EXIST THAT ARE NOT SHOWN ON THIS MAP.

**Exhibit B**  
**Proposed Amendments to CUP/PUD X7D-137**  
**Blue Oaks Planned Unit Development Statement**  
**Lots 23, 24, 25 and 26**  
**(3 and 5 Buck Meadow Drive)**

**September 27, 2012**

The following changes to the Blue Oaks PUD Statement, as approved January 14, 1998, are proposed to merge existing lots 23, 24, 25 and 26 to create two market rate lots. The background to the proposed changes is as set forth in the September 27, 2012 report to the planning commission from the town planner.

Only those PUD sections where changes are proposed are identified below. Anyone wishing to review the full PUD statement may do so in the Planning Department at Portola Valley town hall, 765 Portola Road.

The following changes are proposed with wording to be added in *italics with underlining* and wording to be deleted shown with ~~strikethrough~~:

Section I. Definitions

- C. Members of the Association. All lot owners in the development including the ~~Below Market Rate (BMR) Lots~~.
- L. BE. Building Envelope as conceptually shown on the Amended PUD Plan, including the September 2012 plan for combined Lots 25&26 (Lot A) and Lots 23&24 (Lot B) and described in Appendix C of this PUD Statement.

Section II. Development Requirements

- B. **General Description of Development.** The parcels of land to be established pursuant to this permit are identified on the PUD plan which is Sheet T12, Amended Conceptual Subdivision Map Enlargement, as modified by the September 2012 plan for combined Lots 25&26 (Lot A) and Lots 23&24 (Lot B). The residential PUD includes ~~32~~ 34 "market rate parcels" to accommodate conventional single family housing development, ~~and 4 BMR parcels to accommodate below market rate housing in conformity with the Housing Element of the Portola Valley General Plan.~~

	Acres
Residential Lots:	
Building Envelopes	47.96 <u>17.51</u>

- B2. **Private Open Space and Common & Public Open Space Areas.** These areas will be preserved in essentially their natural condition. . . . Such open space easements will be placed over all areas on residential parcels that are generally beyond the limits of the building envelopes as shown on the PUD Plan Map T 12, the September 2012 plan for combined Lots 25&26 (Lot A) and Lots 23&24 (Lot B), and in Appendix C . . .

## Section II. Development Requirements

- C. **Tentative Map and Planned Unit Development.** The Tentative Subdivision Map for Blue Oaks is composed of . . . The planned unit development (conditional use permit) pertains to all land in the subdivision boundaries as well as the lands known as Upper Portola Glen Estates and shown on the PUD Plan, . . . However, a separate PUD plan may be established for the BMR parcels 23, 24, 25, and 26 under the authority and direction of the Town of Portola Valley. The Developer may or may not participate in any separate PUD and/or development process for the BMR parcels. However, prior to recording of the final subdivision map, or such other time schedule allowed by the town Council, the developer shall submit to the Town Council a comprehensive evaluation of the requirements for construction and sales of the BMR units with an indication of whether or not the developer believes he can construct the BMR units. The town shall take title to the BMR parcels at the time of recording of the final map.
- D. **Subdivision Units.** Only one final map will be prepared for the Blue Oaks properties . . . Phasing of the project, however, may be allowed by the Town Council but only if determined necessary to accommodate development of the BMR parcels.
- E. Streets and Emergency Access easements.
1. **Private Streets and Common Driveway.** All streets will be held in common by all residents of the Blue Oaks project, including the owners of the BMR parcels. . . .  
All common driveways will be pursuant to private easements and agreements for maintenance affecting all the parcels that are served by the common driveway. . . . As part of the subdivision improvements, the developer will be responsible for installation of all common driveways serving more than two lots, except for the BMR parcels, in conformity with the final map and subdivision agreement.
- I. Zoning and Site Development Standards.
1. **Designation of Homesites, and Summary of Development Criteria.** The primary homesites and Building Envelopes (BE) for all residential parcels are shown on the PUD Plan Map Not. T 12, and the September 2012 plan for combined Lots 25&26 (Lot A) and Lots 23&24 (Lot B).  
. . . .  
All lots can be developed for single family or BMR use subject to Town zoning restrictions as modified by the PUD Statement. Single family dwellings or BMR structures, pools, and other accessory structures as provided for herein can be built only within that portion of the lot which is defined as a BE.

Table 1. Blue Oaks Site Development Criteria (a) for Individual Home Sites

Make the following changes to Table 1 and Table notes:

Modify Table 1. to combine Lots 23&24 and Lots 25&26 for conformity with the September 2012 plan for combined Lots 25&26 (Lot A) and Lots 23&24 (Lot B) with the development criteria:

**Lots 23&24 (Lot B):**Area = 1.34 AcresMaximum Floor Area = 5,700 sfMaximum Impervious Surface Area = 10,000 sf**Lots 25&26 (Lot A):**Area = 1.13 AcresMaximum Floor Area = 5,700 sfMaximum Impervious Surface Area = 10,000 sfIdentify Pools as "conditional"Delete Table 1. Note (p) relative to swimming pool provisions for the BMR parcels.

## K. Lot Description by "Architectural Zone of Habitation."

4. **Combination.**Lots 23, 24, 25 and 26. Replace the existing provisions for BMR use with the following:**Lot 23&24 (Lot B as shown on the September 2012 plan for combined Lot 25&26-Lot A, and Lots 23&24 - Lot B).** This lot is east of Buck Meadow Drive and bordered on the south by a POSE and drainage easement. The BE would be accessed by a driveway off of Buck Meadow Drive and some grading, and possibly utility box adjustment would be needed for driveway construction. The BE has a number of oaks and some will need to be removed to accommodate residential development. Primary views are to the south and southeast and the residence should be located lower in the BE to minimize the apparent height when viewed from below and also relative to views from Lot 22.**Lot 25&26 (Lot A as shown on the September 2012 plan for combined Lots 25&26-Lot A, and Lots 23&24 - Lot B).** This lot is located immediately east of the intersection of Buck Meadow Drive and Redberry Ridge. The BE has been identified to ensure protection of the Blue Oak trees that separate it from the street intersection. While BE access can easily be achieved from Redberry Ridge, and this would be the preferred access, if a driveway from Buck Meadow Drive allows for a development more in keeping with the design objectives for Blue Oaks, such access can be considered. As with Lot 23&24, the BE has a number of oaks and some will need to be removed to accommodate residential development. Primary views would be to the northwest, where there are some openings to the Spring Ridge portion of Windy Hill. As with Lot 23&24, any residence should be located mainly in the lower portion of the BE to minimize the apparent height when viewed from below and also relative to views from Lot 22. It is recognized, however, that to capture views to the northwest, a portion of the residence would likely be sited somewhat higher in the BE, but the profile should be kept low, perhaps using a stepped design in concert with site slopes.

### **Ordinance Requirements**

In order to grant the requested Conditional Use Permit, the planning commission must make findings in support of the following requirements of Section 18.72.130 (zoning) of the Municipal Code:

1. The proposed use or facility is properly located in relation to the community as a whole and to land uses and transportation and services facilities in the vicinity.
2. The site for the proposed use is adequate in size and shape to accommodate the proposed use and all yards, open spaces, walls and fences, parking, loading, landscaping and such other features as may be required by this title or in the opinion of the commission be needed to assure that the proposed use will be reasonably compatible with land uses normally permitted in the surrounding area and will insure the privacy and rural outlook of neighboring residences.
3. The site for the proposed use will be served by streets and highways of adequate width and pavement type to carry the quantity and kind of traffic generated by the proposed use.
4. The proposed use will not adversely affect the abutting property or the permitted use thereof.
5. The site for the proposed use is demonstrated to be reasonably safe from or can be made reasonably safe from hazards of storm water runoff, soil erosion, earth movement, earthquake and other geologic hazards.
6. The proposed use will be in harmony with the general purpose and intent of this title and the general plan.
7. When this title or the town general plan specifies that a proposed use shall serve primarily the town and its spheres of influence, the applicant shall have demonstrated that a majority of business of the proposed use will come from the area immediately or within a reasonable period of time. In making such a demonstration, all similar uses in the town and its spheres of influence shall explicitly be taken into consideration by the applicant.

## Blue Oaks Homeowners' Association



October 5, 2012

Via E-Mail: [ascc@portolavalley.net](mailto:ascc@portolavalley.net)

Town of Portola Valley  
Architectural & Site Control Commission  
765 Portola Road  
Portola Valley, CA 94028  
Attn: Craig Hughes, Chair

**Re: Amendment to Blue Oaks PUD X7D-137 Lots 23-26, and Lot Line Adjustment S6D-214**

Dear Chairperson Hughes and Members of the ASCC:

The Blue Oaks Homeowners Association appreciates the opportunity to voice the concerns expressed by the members of the Association about the two lot design proposed by the Town for the re-configuration of the BMR lots in the Blue Oaks subdivision.

The Association wants to work cooperatively with the Town to achieve a common objective, which results in the development of the land previously designated for affordable housing in a manner which is consistent with the principles, policies and procedures applicable to the market rate housing within the Blue Oaks subdivision.

The property enclosing lots 23-26 is unique in the Blue Oaks community. Not only is it almost completely covered by a large grove of blue oaks, it occupies a prime position along the Buck Meadow view corridor through which all residents pass to enter or exit the community. It is estimated that a minimum of 60 blue oaks trees are potentially impacted by the current two lot proposal. The southern portion of this property which does not contain oaks is currently zoned POSE due to the steep ravine area.

We feel the appropriate market rate definition and development of this site should consider the actual constraints inherent in this site which is why we are proposing a one lot solution. Public comments from the Town and its developers concerning the difficulties of development of this site as 4 BMR units also apply to the development of this site for two lots. We acknowledge and support the sale of this property, however, a poorly defined configuration simply passes the burden from the Town to the new homeowners and the architectural review processes of the Blue Oaks Community and the ASCC. We would very much like to get ahead of this issue before the



Town of Portola Valley  
Architectural & Site Control Commission  
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October 5, 2012

architectural review process becomes too difficult or cumbersome for the new homeowners. We look forward to the opportunity to work with the Town Planner to address these issues prior to sale of the lots.

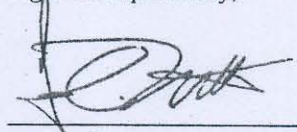
The Blue Oaks Homeowners Association Board of Directors, with the support of the membership of the Association, believes that we can provide within a reasonable period of time, a single lot configuration using the same criteria that were used in establishing the building envelopes for the market rate lots in the initial project approvals.

The concerns we have and the issues on which we would like to work with the town include, but are not limited to, the following::

1. The two lot configuration as currently proposed is problematic in:
  - a. The density of home sites
  - b. The impact on or removal of Blue Oaks signature trees
  - c. The ratio of Building Envelope / Lot size
2. The configuration of the additional driveway adds a public safety issue due to the steepness of the street and creation of a blind access.
3. The 2 lot configuration is inconsistent with other home sites along the Buck Meadow view corridors.
4. The reconfiguration of the property resulting from the lot line adjustment, and the configuration of the building envelope should be consistent with the PUD Statement, and consistent with other market rate lots in the subdivision.

The Planning Commission has authorized Town Planner, Tom Vlasic, to meet on site with representatives of the Association in order to come up with a single lot plan as a viable alternative to the Town's two (2) lot plan, and we look forward to this opportunity. We respectfully request that the ASCC defer its recommendations until the one (1) lot plan has been presented to and reviewed by the ASCC.

Signed respectfully,



\_\_\_\_\_  
Tim Mills  
Blue Oaks Homeowners Association President

\_\_\_\_\_  
Patricia Murray  
Blue Oaks Homeowners Association Vice President

\_\_\_\_\_  
Joy Elliott  
Blue Oaks Homeowners Association Secretary

# Blue Oaks Homeowners Association



October 3, 2012

Town of Portola Valley  
Planning Commission  
765 Portola Road  
Portola Valley, CA 94028

**Re: Amendment to Blue Oaks PUD X7D-137 Lots 23-26, and Lot Line Adjustment S6D-214**

Dear Chairperson and Members of the Planning Commission:

The Blue Oaks Homeowners Association appreciates the opportunity to address the Planning Commission and to voice the concerns expressed by the members of the Association about the proposed amendment to the Blue Oaks PUD.

The original PUD Statement which was approved by the Planning Commission on November 10<sup>th</sup>, 1995 and by the Town Council on June 12<sup>th</sup>, 1996, and subsequently revised by the Town Planning Commission on November 5<sup>th</sup>, 1997 and by the Town Council on January 14<sup>th</sup>, 1998, contained within the PUD a significant affordable housing element. The general description of the Blue Oaks project contained within the PUD Statement included "32 market rate parcels to accommodate conventional single-family housing development, and 4 BMR parcels to accommodate 8 below market rate housing units in conformity with the Housing Element of the Portola Valley general plan." The Planned Unit Development Statement provided in Article I (Definitions) subparagraph D (Lot) that "all lots are subject to the Blue Oaks CC&Rs." The PUD Statement also included a statement that "all streets will be held in common by all residents of the Blue Oaks project, including the owners of the BMR parcels..." It appears that the original intent of the developer of the Blue Oaks project and the intent of the Town of Portola Valley was to have all of the property described in the Subdivision Map subject to the CC&Rs and under the jurisdiction of the Blue Oaks Homeowners Association. The original plan and intention of the Town was to meet the Town's obligations to provide the Town's share of affordable housing on a regional basis by developing eight below market rate homes within the subdivision. For many reasons it became obvious to all concerned that this was not a good choice for location of below market rate housing. The Town has implemented a plan to provide affordable housing at a more suitable location, and wants to be in a position to sell the below market rate lots so as to be able to use the sale proceeds to create affordable housing at a preferable location within the Town.

The Association wants to work cooperatively with the Town to achieve a common objective, which includes the implementation of the Town's plan to create affordable housing within its borders, and at the same time results in the development of the land previously designated for affordable housing in a manner which is consistent with the principles, policies and procedures applicable to the market rate housing within the Blue Oaks subdivision.

The problems that have arisen and will arise as a result of attempting to market the property prior to annexation need to be resolved, and the only effective way to do that is to annex the property so that the purpose and intent of the PUD Statement can be fulfilled, and so that marketing efforts with respect to the property can continue without the misleading and inaccurate statements that result from attempting to market lots which do not yet exist, and which are not yet subject to the CC&Rs.

While the Association and its members appreciate the fact that the Town is facing some time constraints in acquiring the ultimate site for location of the below market rate housing, there is also a great deal of concern about the lack of notice and the lack of time for consideration of the alternatives. The membership of the Association has had but a very short time to review the proposed amendment to the Blue Oaks PUD and the proposed lot line adjustment. A general membership meeting was held on Tuesday, October 2<sup>nd</sup>, to review the report from the Town Planner to the Planning Commission. The opposition expressed to the proposed 2 lot plan at that membership meeting was unanimous. The Board of Directors, with the support of the membership of the Association, believes that we can provide within a reasonable period of time a single lot configuration using the same criteria that were used in establishing the building envelopes for the market rate lots in the initial project approvals. We ask, therefore, that the Planning Commission continue the hearing for a month to allow time for the Association to work with the staff to come up with an acceptable single lot proposal.

The Staff Report to the Planning Commission appears to be based on the concept that the criteria which were applied to the 4 below market rate lots can and should be applied to the 2 proposed market rate lots. We believe this is an inappropriate approach. Once it is recognized and accepted that the plan to incorporate below market rate housing in the subdivision was a mistake, the policies, guidelines, and concepts that were applied to the market rate lots should be the same ones applied to the reconfiguration of the subdivision after the lot line adjustment. In order to be compatible with the other market rate lots in the subdivision, the reconfigured land should be subject to the same rules, concepts and guidelines as were applied to the other market rate lots. The Association strongly objects to the concept that because the area set aside for below market rate housing was subject to its own design and development, guidelines and requirements, that it is therefore appropriate to continue to apply design and development criteria which differ from the criteria applied to the other market rate lots.

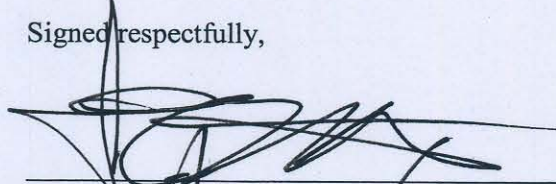
The Association is mindful of the admonition contained within the agenda for tonight's hearing which limits the Association and its members in the event of a legal challenge to the action which is proposed, to raising only those issues that were raised at the public hearing or in written correspondence delivered to the Planning Commission at or prior to the public hearing. In order to be as complete as possible in establishing a record of those issues raised, the Association submits the following:

1. The proposed 2 lot configuration results in the application of different standards with respect to lot configuration, architectural review and tree preservation. We understand that as many as 60 oak trees would be adversely impacted by the proposed 2 lot configuration.
2. We object to the inadequacy of time to study and to react to and comment upon the 2 lot proposal set forth in the September 27<sup>th</sup> report to the Planning Commission. We understand the Town is anxious to be able to sell the land in order to meet its requirements for purchase of the alternate site upon which to develop below market rate housing, but in pursuing that agenda, the Town is shortchanging the residents of the Blue Oaks community as well as other residents of the Town by not allowing sufficient time for public discussion and for detailed consideration of the proposed 2 lot plan.
3. There is of course an inherent conflict of interest due to the fact that the Town owns the property which it proposes to reconfigure by a lot line adjustment which the Town in turn will approve, and by the Town's proposal to modify the PUD Statement in a way which benefits the Town's immediate objective of selling the land as quickly as possible.

4. Presumably with the consent of the Town, the realtors with whom the land has been listed are already advertising 2 lots for sale, lots which do not at this time exist. Furthermore the sales materials represent that the "community amenities include an Olympic size pool..." Unless and until the property is annexed by recordation of a Declaration of Annexation, it is misleading, inaccurate, and in violation of the law to make such premature assertions.
5. The proposed 2 lot configuration and the Staff Report to the Planning Commission fails to completely address the elements contained within the PUD Statement in a manner consistent with the criteria applied to the other market rate lots in the subdivision.
6. The ratio of building envelope to lot size contained within the 2 lot proposal is inconsistent with the other market rate lots.
7. The 2 lot proposal does not adequately address the preservation of trees, particularly the blue oaks for which the subdivision is named. The number of trees proposed to be removed under the 2 lot proposal greatly exceeds the number of trees permitted to be removed from the other market rate lots.
8. The configuration of driveways and access points with respect to the lots is inconsistent with public safety and with criteria applied to other market rate lots.
9. The 2 lot configuration is inconsistent with other lots in similar Blue Oaks view corridors.
10. The reconfiguration of the property resulting from the lot line adjustment, and the configuration of the building envelope should be consistent with the PUD Statement, and consistent with other market rate lots in the subdivision.

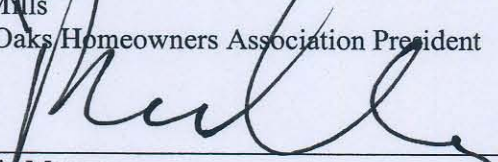
In summary, we respectfully request that this matter be continued, and that staff be directed to work with representatives of the Association to come up with a mutually acceptable single lot alternative, and that pending the outcome of such discussions, the realtors be directed to temporarily discontinue their marketing efforts which at this point are misleading and inaccurate.

Signed respectfully,



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Tim Mills  
Blue Oaks Homeowners Association President



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Patricia Murray  
Blue Oaks Homeowners Association Vice President



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Joy Elliott  
Blue Oaks Homeowners Association Secretary

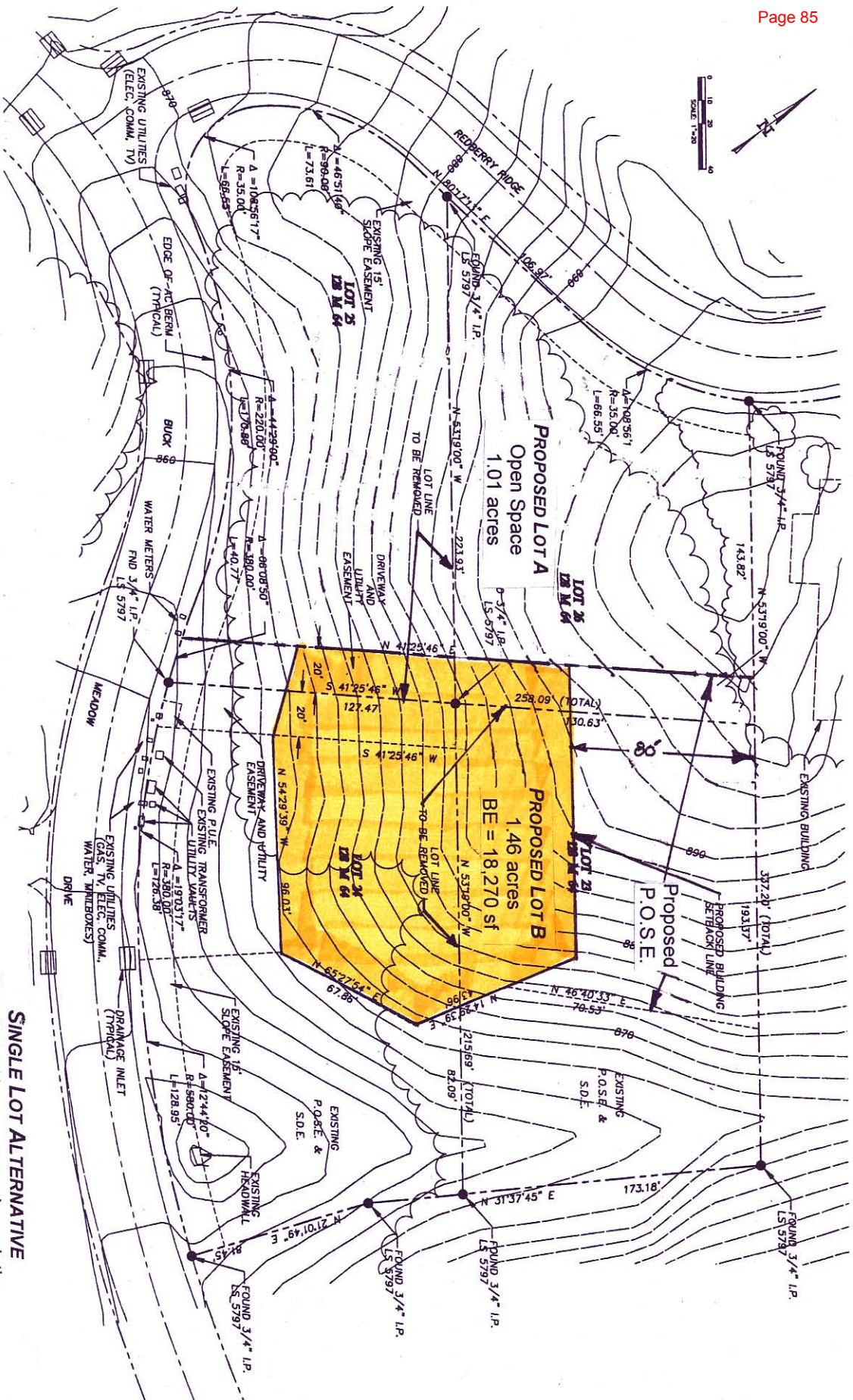
- 1. THIS MAP WAS CHECKED FOR THE SIZE USE OF THE TOWN OF PORTOLA
- 2. UTILITIES MAY EXIST THAT ARE NOT SHOWN ON THIS MAP
- 3. EXISTING UTILITY LOCATIONS ARE NOT SHOWN ON THIS MAP
- 4. EXISTING UTILITY LOCATIONS ARE NOT SHOWN ON THIS MAP
- 5. EXISTING UTILITY LOCATIONS ARE NOT SHOWN ON THIS MAP

DATE OF REVISIONS:  
 THE BASIS OF REVISIONS FOR THIS MAP IS THE MAP RECORDED  
 IN VOLUME 128 OF MAPS, AT PAGE 84

T. Vlasic  
 Town Planner  
 10/23/12

See also "Single Lot Configuration Notes for Lots 23-26"  
 October 19, 2012

**SINGLE LOT ALTERNATIVE**  
 Blue Oaks Homeowners Association  
 October 19, 2012



	<p><b>PROPOSED LOT LINE ADJUSTMENT</b>  <b>BLUE OAKS LOTS 23, 24, 25, &amp; 26</b>                  VOLUME 128 OF MAPS, PAGE 84                  TOWN OF PORTOLA VALLEY, COUNTY OF SAN MATEO, STATE OF CALIFORNIA                  PREPARED FOR: TOWN OF PORTOLA VALLEY DATE SUBMITTED: SEPT. 2012</p>	<p>DATE: 10/23/12                  DRAWN BY: [blank]                  CHECKED BY: [blank]                  APPROVED BY: [blank]</p>
2880 BATHWAY PLACE, SUITE 100 408.966.7200 TEL. 408.966.6991 FAX SAN JOSE, CA 95128 WWW.NVI5.COM	The engineer responsible for these plans will not be responsible for, or liable for, unauthorised changes to or use of these plans. All changes to the plans must be in writing and must be approved by the preparer of these plans.	

## Single lot configurations notes for lots 23-26

**Recommend building envelope (BE) to be ~19K SF**

- **Rationale:** consistent for Buck Meadows corridor lots (Lot 36 BE =13.3K, Lot 35 BE =19.3K, Lot 34 BE=23K, Lot 28 BE=18K, Lot 21 BE=17K, Lot 22 BE = 20K, Lot 6 BE=18.8K SF)

**Recommend single story home**

**Rationale:**

- **In keeping with stepping down concept.** Note adjacent homes on other side of Mills home are single story.
- **Tree canopy is lower here, single story would permit home to blend in more with trees.**

**Recommend: 5700 square foot home**

- **Rationale:** in keeping with other Buck Meadows view corridor homes.

**BE:** centrally located, tilted closer to Buck Meadows on northern end, further away on southern end

- **Rationale:** sensitive to proximity to lot 22 home on northern end as in comments made for two separate building sites by Tom Vlastic.

**BE shape/width:** **Recommend:** Rectangular in shape with horizontal major axis / BE width ~100 Ft. to allow elongated BE

- **Rationale:** midrange of BE envelopes for other elongated narrow lots
- **Rationale:** Allows placement of the home site in area of preferred construction topology
- **Rationale:** Sensitive to BM view corridor in a manner consistent with other homes placed along BM
- **Rationale:** Sensitive to preserving greater quantity of grove trees on southern and northern ends of property.

**Access easement:** placed close to current location, offset slightly to avoid conflict with utilities

**Areas of agreement for Table one of PUD/Blue Oaks Site Development Criteria:**

- **Max IS area:** 10K
- **Yard setback limitations:** front, and rear—as before
- **Pools “conditional”**
- **Accessory structures:** yes

**Recommended verbiage for lot description:** This lot is east of Buck Meadow Drive and bordered on south by a POSE and drainage easement. The BE would be access by a driveway off of Buck Meadow Drive and some grading would be needed for driveway construction. The BE has a number of oaks and some will need to be removed to accommodate residential development. Attention will need to be given to preserving as many trees as possible (lot 28 verbiage). Primary views are to

**the south and southeast. The residential design solution will need to be sensitive to views from the main roadway on Buck Meadow. This will require roof lines to blend with the existing tree canopy and not project above it (lot 36 verbiage).**

## Single lot configuration comparisons (further comparisons)

Lot number	Lot size	Street Address	Owner	Building Envelope (approx K sq ft)	Pool	Yard setback restrictions			Floor area FA Sq ft	Impervious surface IS Sq ft	Height limit story
						Front	Rear	side			
<b>Single lot solution</b>											
TBD	1.34/2.47	3BM		~19K		(g)		(g)	5700	10000	1
<b>Town Proposal</b>											
23/24 (n)	1.34	3 BM		18.6 exact	conditional	(g)			5700	10000	2
25/26 (n)	1.13	5 BM		16.8 exact	“	(g)		(g)	5700	10000	2
<b>Small lot</b>											
17	1.1	14 RR	Owen	18.4	conditional				6210	12000	1
15	1.25	21? RR	Douglas	20	“				“	“	1
22	1.3	1 RR	Mills/Ant	22	“			(g)	5700	10000	2
14	1.33	19 RR	Salah	22	“				6210	12000	1
<b>BM Corridor</b>											
1(n)	2.77		Minor	19.7	“	(g)		(g)	6175	10000	2(e)
36(n)	3.08	2BM	Toors	13.2	“	(g)	(j)		5700	10000	2(e)
28	1.74	BM	Stritter	17.2	“	(g)		(g)	5225	10000	1
35 (n)	1.98	4 BM	Torgeson/Kr	19	“	(g)	(j)		5225	10000	2 (e)
34(n)	2.97	6BM	Strick	20.4	“	(g)	(j)		5700	10000	1
<b>Narrow lots</b>					<b>Width</b>						
9	2.53	7RR	Slanina	16	70’				6175	10000	1
10 (n)	2.19	9RR	Srinivasan	17.5	50’				6175	10000	1
36(n)	3.08	2 BM	Toors	13.2	32’ to 111’	(g)	(j)		5700	10000	2(e)
<b>Descending height</b>					<b>Pool</b>						
7	2.62		Evans	17.8	“				5938	10000	1
8	2.19		McGraw	15.3 flag	“				5700	10000	1

(e) allowable second story maybe impacted if structure located within 125’ of fault per PV Munic Code section 18.58.030. height limit shall meet requirements of table. For definition of single and two story heights see PUD statement text.

(g) Building envelope at front rear or side yard adjacent to Buck Meadow Preserve

(j) Building envelope may be constrained by 50’ setback from center link of creek or edge of wetland

(p) Pool in common use for lots 23, 24, 25 and 26. Designated on lot 25 but may be relocate to another BMR parcel dependant on final building and site design solutions.

(n) Shares common driveway with maintenance agreement per PV Muni Code Section 17.32.060.





# MEMORANDUM

## TOWN OF PORTOLA VALLEY

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**TO:** ASCC  
**FROM:** Tom Vlastic, Town Planner  
**DATE:** October 18, 2012  
**RE:** Agenda for October 22, 2012 ASCC Meeting

**NOTE:** The October 22<sup>nd</sup> meeting will include a special afternoon session for consideration the proposals for Blue Oaks PUD amendment and Lot Line adjustment as discussed in below under agenda item 4b. The site session will convene at 4:00 p.m. at the intersection of Buck Meadow Drive and Redberry Ridge in Blue Oaks.

The following comments are offered on the items listed on the October 22, 2012 ASCC agenda.

**4b. PROPOSED AMENDMENT TO BLUE OAKS PUD X7D-137, LOT LINE ADJUSTMENT X6D-214, LOTS 23-26, 3 & 5 BUCK MEADOW DRIVE, TOWN OF PORTOLA VALLEY**

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The ASCC initiated review of these requests at the regular October 8, 2012 meeting. At the conclusion of discussion, it was agreed that a site meeting was appropriate and, as noted at the head of this memorandum, the site meeting has been set for 4:00 p.m. on Monday October 22, 2012. While the planning commission was informed of this meeting, a commission quorum was not possible, so the meeting will **not** be a joint planning commission and ASCC meeting.

Background to the issues to be considered at the October 22<sup>nd</sup> meeting is presented in the attached staff report prepared for the October 8<sup>th</sup> ASCC meeting and enclosed draft meeting minutes. Also, at the 10/8 meeting, the ASCC considered the issues presented in the attached October 3 and 5, 2012 letters from the Blue Oaks homeowners association (HOA). Since the last meeting, we have also received the attached October 15, 2012 email from John Toor, owner of Blue Oaks Lot 36 that is currently being developed with plans approved by the ASCC.

As noted in the materials prepared for the 10/8 ASCC meeting, the ASCC is to complete a report on the proposals to the planning commission and the commission is tentatively scheduled to conduct a public hearing on them at its November 7, 2012 meeting. The town council has asked that this scheduled hearing date be kept so that the process of lot sale and purchase of 900 Portola Road can proceed in a timely

manner. Thus, the objective would be for the ASCC to complete its report to the planning commission at the conclusion of the evening October 22<sup>nd</sup> meeting.

It is also noted that, as the ASCC was advised at the October 8th meeting, town staff and officials will be meeting with the Blue Oaks HOA representatives on October 19<sup>th</sup> to review their concerns and some of the history and background associated with the lots that are subject to the applications. That meeting will take place after the deadline for completion of this memorandum, thus we will report on the 10/19 meeting at Monday's ASCC meeting.

Comments provided below are offered to facilitate the 10/22 ASCC review. They provide responses to some of the concerns in the communications received from the HOA and Mr. Toor. They also provide information responding to ASCC comments offered at the October 8, 2012 ASCC meeting.

1. **Lot and Building Envelope (BE) sizes and ratios and comparisons.** The attached table dated October 16, 2012 provides the comparisons requested by the ASCC. It should be emphasized as discussed further below, there was no standard for a ratio of BE to lot size applied in setting lots or BEs. As can be seen from the table, the average lot size is 2.10 acres and the average BE size is 22,134 sf. The average BE to lot size ratio is 24.18%, but the lot sizes and ratios vary greatly, and if a ratio standard had been applied there would not be such a variation. Further, BEs and limitations for their use were set based on geology, including fault setbacks, slope, potential visual impacts relative to views from lands surrounding the Blue Oaks site, and modifications to zoning setbacks to reflect the unique site conditions. Further, lots and BEs are clustered in the development envelope identified on the town's General Plan Land Use Diagram, and this diagram had a significant influence on the form of the final project building area.

As can be seen from the attached table, Lot 22, immediately east of the subject parcels, has an area of 1.30 acres reflecting its location in the center of the general plan identified acceptable building envelope. It has a BE of over 21,000 sf. These numbers are very similar to the subject proposed two lots with similar characteristics. At the same time, care has been taken to reduce the proposed BE areas and increase setbacks to be sensitive to the site oaks and also the relationships to Lot 22.

The table also shows that the smallest lot in Blue Oaks, i.e., Lot 17, with an area of 1.10 acres, has a BE of over 23,000 sf, or 49% of the lot area. Lot 18 has an area of 2 acres and a BE of over 43,000 sf, i.e., roughly 50% of the lot area. The BE on this lot has some drainage restrictions, and the PUD requires drainage solutions to allow for full use of the BE area. Several lots have qualifications for BE use.

It is also noted that a number of lots have very large BE ratios and many have very small ratios. The lots with larger BEs have fewer constraints (e.g., Lot 19 with an area of 1.66 acres and a BE of over 31,000 sf - 43%) and those with smaller BE, even with large lots, have more constraints including slope, geology and emergency access easement right of way (e.g., Lot 33 with an area of 2.79 acres and a BE of only 13,600 sf – 9%). Also, some lots with larger area include portions of the Buck Meadow preserve open space area that extends over lots 1, 21, 22, 27, 34, 35 and 36. The open spaces on these lots are part of the open space easement areas that

help to balance the developed areas on parcels in Blue Oaks. Further, the common open space easement areas over Coal Mine Ridge and along the Los Trancos Road corridor are part of the open space or “backyard” area for each lot in Blue Oaks that balances the site density as stated on the table.

The table shows the overall site density for the project, which takes into account zoning and general plan designations and adjustments to project design made through the EIR process. Currently, for the entire 285-acre project site the density is 7.91 acres per lot and 7.125 acres per dwelling unit, including the undeveloped 8 affordable housing units. With the proposed 34 lots, the density would be modified to 8.38 acres per lot/dwelling unit.

2. **Criteria used for definition of lots and BEs.** The attached materials listed below set the framework for definition of the lots and BEs. These are from the certified project EIR and PUD statement as modified in 1998 to include the upper Portola Glen Estates lots that are at the end of Redberry Ridge.

- Land use Diagram (from EIR)
- Site Geologic map (from EIR)
- Ground Movement Potential Map (from EIR)
- Zoning and Development Standards (pages 10 and 11 from PUD)
- Original Proposed Development Diagram (from EIR)
- Revised Project Diagram (from EIR)
- Separate Cluster Alternative Map (from EIR)
- General Plan Cluster Alternative Map (from EIR)
- Building envelope exhibits for Lots 21, 22, 33, 34, 35, and 36 (from PUD)

Review of these materials show that the lots are located for conformity with the general plan diagram. The alternatives for lots outside of the general plan cluster area were not found acceptable. After full EIR consideration of the proposed project, revised project and project alternatives it was concluded that the development had to be concentrated in the general plan recognized development area with only minor modifications around the edges of this area. Further, the lots and BEs are a reflection of this concentration in the area most suitable for development, and the subject lots are impacted less by slopes, geology, and access than other lots, thus allowing for a smaller area. Review of the building envelope exhibits makes it clear that some of the larger lots include the identified fault zone and common access easements. The documents make it clear that there was not any standard for BE to lot size ratio. Further, if such a standard had been applied than the net lot areas for lots like 33, 34 and 36 would, for example, have been modified to deduct access easements, and unstable geologic and fault setback areas.

In any case, the various project alternatives seriously evaluated in the EIR show at least two lots in the area of the subject properties. Early in the draft EIR process, open space and very large lot alternatives were referenced, but these were not consistent with density allowances or other factors that the town, developer, and EIR recognized would practically influence the project and its implementation.

3. **Relationship to open space areas.** The comments in the email from Mr. Toor suggest that the lots have limited, if any, relationship to large open space areas.

This is not the case. First, proposed lot 23&24 has a large POSE area on the south side similar to that over Lot 22, and this is not proposed to be changed. Also, the Buck Meadow Preserve over lots 21 and 34, and even over Lot 36, are open spaces that serve the lots as well as the entire central portion of Blue Oaks, and this is by PUD design. Also, immediately to the north of proposed Lot 25&26 is the town's Redberry open space neighborhood preserve. Further, as noted above, all lots share the open space over subdivision Lot A (169 acres) that includes Coal Mine Ridge and the Los Trancos Road corridor. Lastly, as noted above and in the materials for the 10/8 ASCC meeting, the proposed BEs have been reduced in size from the original four lot plan to protect more oaks, particularly around the intersection of Redberry Ridge and Buck Meadow Drive.

Other concerns noted in the attached communications can be considered at the 10/22 ASCC site and evening meetings. However, based on the above comments and attached reference materials, we conclude that the two-lot option is consistent with the criteria used to set the lot pattern density and BEs for Blue Oaks. As stated at previous meetings, if a buyer were willing to purchase "one lot" to meet the financial requirements the town council has concluded are necessary to help implement the provisions of the certified general plan housing element, then such an alternative could also be found consistent with the Blue Oaks project documents, including the PUD. This "lot" could be used for one BE, i.e., market rate residential use, or open space, with PUD adjustments/clarifications.

On Monday, ASCC members should consider the above comments and any new information developed at the site and evening ASCC meetings and complete comments that can be forwarded to the planning commission for consideration during the public hearing process on the subject applications.

### Blue Oaks PUD Lot Comparisons

T. Vlastic 10/16/12

Lot No.	Lot Size (Acres)	Building Envelope (Sq. Ft.)	Ratio BE to Lot Size (%)	Floor Area Limit (Sq. Ft.)	Impervious Surface Area Limit (Sq. Ft.)
1	2.77	21,200	17.57%	6,175	10,000
2	2.17	17,480	18.49%	5,700	10,000
3	2.30	14,400	14.37%	5,938	10,000
4	2.61	20,920	18.40%	6,032	10,000
5	2.57	24,800	22.15%	6,318	10,000
6	1.82	24,280	30.63%	6,175	10,000
7	2.62	16,520	14.48%	5,938	10,000
8	2.19	17,720	18.58%	5,700	10,000
9	2.53	19,320	17.53%	6,175	10,000
10	2.52	19,200	17.49%	6,175	10,000
11	2.13	19,320	20.82%	6,175	10,000
12	2.34	35,600	34.93%	6,175	10,000
13	1.65	20,000	27.83%	6,210	12,000
14	1.33	25,320	43.70%	6,210	12,000
15	1.25	23,320	42.83%	6,210	12,000
16	2.05	26,000	29.12%	6,210	12,000
17	1.10	23,320	48.67%	6,210	12,000
18	2.00	43,320	49.72%	6,210	12,000
19	1.66	31,200	43.15%	5,700	10,000
20	1.59	33,080	47.76%	5,700	10,000
21	2.56	18,520	16.61%	5,700	10,000
22	1.30	21,440	37.86%	5,700	10,000
23&24	1.34	18,639	31.93%	5,700	10,000
25&26	1.13	16,841	34.21%	5,700	10,000
27	1.77	16,800	21.79%	5,700	10,000
28	1.74	17,600	23.22%	5,225	10,000
29	1.84	38,400	47.91%	5,180	10,000
30	2.19	22,120	23.19%	6,240	10,000
31	2.61	21,720	19.10%	6,490	10,000
32	2.97	15,480	11.97%	5,700	10,000
33	2.76	13,600	11.31%	5,700	10,000
34	2.97	24,400	18.86%	5,700	10,000
35	1.98	18,680	21.66%	5,225	10,000
36	3.08	12,000	8.94%	5,700	10,000
Averages	2.10	22,134	24.18%	5,912	10,353

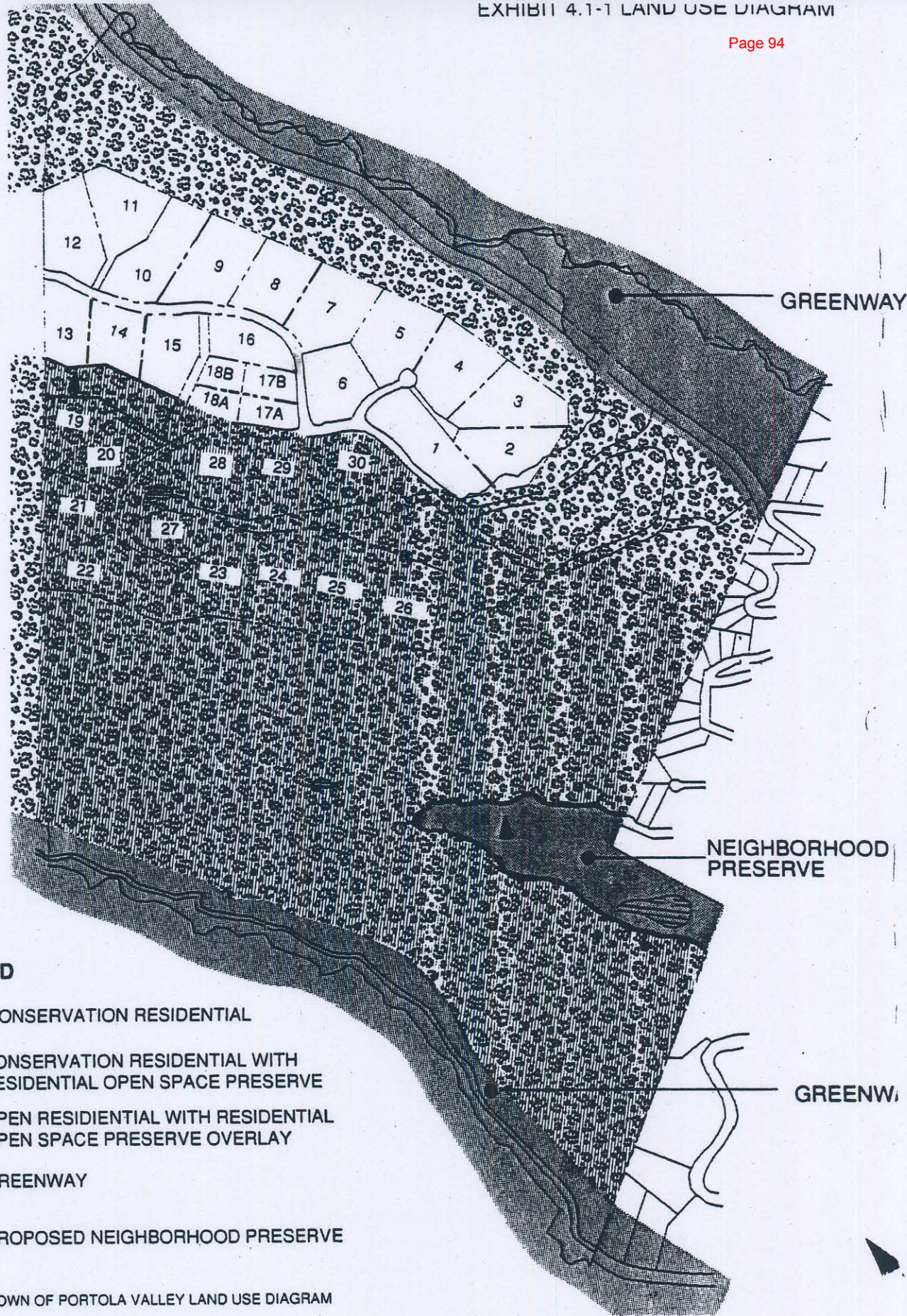
**Note:** Lot size data from Blue Oaks PUD statement. BE areas calculated from Blue Oaks subdivision map Sheet C-04, preped by BKF, dated 8/12/98. BE areas are only for comparison.

#### Total Blue Oaks site acreage = 285 acres






Average acreage per lot with 34 lots = 8.38 acres

Average acreage per lot with 36 lots = 7.91 acres

Average acreage per unit with 40 dwelling units = 7.125 acres

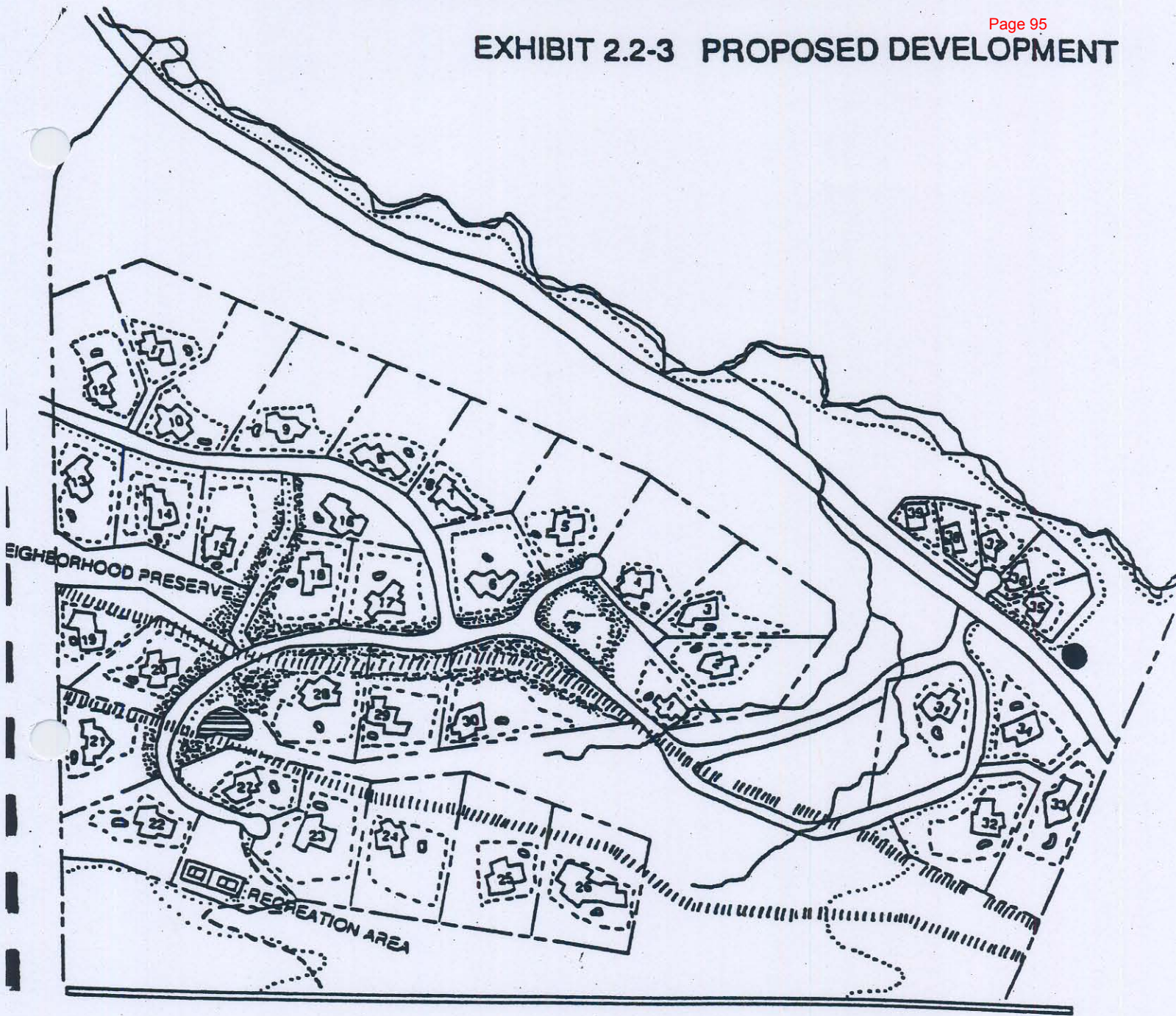


**LEGEND**










-  CONSERVATION RESIDENTIAL
-  CONSERVATION RESIDENTIAL WITH RESIDENTIAL OPEN SPACE PRESERVE
-  OPEN RESIDENTIAL WITH RESIDENTIAL OPEN SPACE PRESERVE OVERLAY
-  GREENWAY
-  PROPOSED NEIGHBORHOOD PRESERVE

SOURCE: TOWN OF PORTOLA VALLEY LAND USE DIAGRAM

# EXHIBIT 2.2-3 PROPOSED DEVELOPMENT



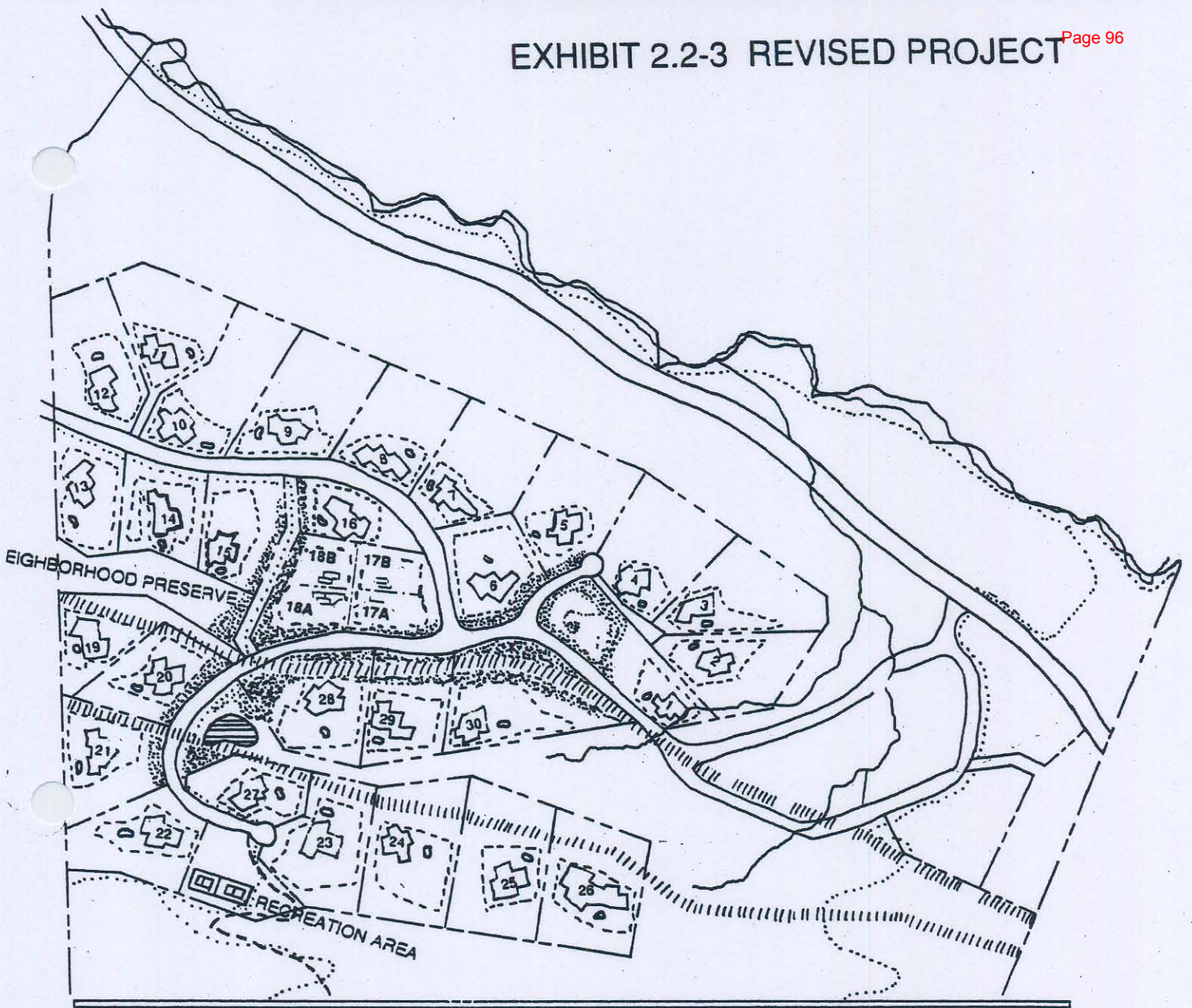
## LEGEND

-  LOT LINE
-  BUILDING ENVELOPE
-  PROPOSED HOME LOCATION
-  PUBLIC TRAILS
-  EMERGENCY ACCESS
-  EXISTING POND
-  BUCK MEADOW
-  SAN ANDREAS FAULT ZONE
-  WATER TANK









800

1,600 FEET





**LEGEND**

-  LOT LINE
-  BUILDING ENVELOPE
-  PROPOSED HOME LOCATION
-  PUBLIC TRAILS
-  EMERGENCY ACCESS
-  EXISTING POND
-  BUCK MEADOW
-  SAN ANDREAS FAULT ZONE

0 800 1,600 FEET





November 7, 2012

Alexandra Von Feldt, Chair  
Planning Commission  
Town of Portola Valley  
765 Portola Road  
Portola Valley, CA 94028

Re: Comments on Planning Commission Agenda Item #3 - Public Hearing on Proposed Amendments to Blue Oaks Planned Unit Development and Lot Line Adjustment (November 7, 2012)

Dear Chair Von Feldt and Planning Commissioners:

Tonight the Planning Commission will take yet another step in the Town's efforts to relocate below market rate (BMR) units from the Blue Oaks Subdivision to 900 Portola Road by considering proposed amendments to the Blue Oaks Planned Unit Development (PUD) and making lot line adjustments to the Town's BMR lots. Keep PV Rural, a community organization that was founded by neighbors to ensure the Town's efforts to comply with affordable housing requirements do not jeopardize the rural nature of our Town, is submitting the following comments for consideration.

Keep PV Rural is concerned that the Town in its rush to show progress on affordable housing is failing to comply with the legal and regulatory requirements for the changes that it is proposing. As noted in the staff report for Agenda Item #3, the changes being proposed for the Blue Oaks PUD and the lot line adjustment require compliance with the California Environmental Quality Act ("CEQA"). CEQA, however, requires that the Town look at the "whole of the action" and not just pieces of a project. The Town in its previous discussions regarding the changes at Blue Oaks has repeatedly stated that discussions regarding the purchase of 900 Portola Road or the possibility of affordable housing on that site are outside the scope of what is being considered. We disagree.

Under CEQA, piecemealing or the segmenting of a project into smaller parts is not allowed, especially where the project when taken as a whole might have significant impacts. Here, the Town's effort at Blue Oaks is improper segmentation of a larger affordable housing project. It is segmentation because the PUD and lot line changes are required for the Town to sell the Blue Oaks lots. The Town must sell the Blue Oaks lots to purchase 900 Portola Road, which it intends to use as affordable housing. There is a lengthy paper trail to support a strong assertion that all these actions by the Town are for one "Project," the development of BMR at the former Al's Nursery site, and under CEQA the Town cannot split that "Project" into smaller pieces. Examples of that paper trail are as follows: the executed purchase/sale agreement for 900 Portola Road that is conditioned upon the sale of the Blue Oaks lots; public statements of its intent to develop affordable housing at 900 Portola Road; and, correspondence with affordable housing developers for the construction of BMR at 900 Portola Road.

The Town intends to purchase 900 Portola Road and build BMR on site but cannot do that until the Blue Oaks lots are sold. Clearly, all of these actions are interrelated and must be considered as one under CEQA, especially since once the Blue Oaks lots are sold the Town's ability to develop affordable housing on those lots is lost permanently. Simply put, the Town is starting down a path with the changes being considered tonight that once they being will set in motion a series of events that must be analyzed as one action under CEQA and cannot be segmented.

Blue Oaks is a beautiful part of Portola Valley and the environmental impact report ("EIR") prepared for the Blue Oaks PUD carefully placed building envelopes on each of the lots to ensure the natural environment was protected and to take into account unique characteristics of each site, including the view corridor and trees. The Town is now proposing changes without carefully analyzing how those changes interrelate with the existing environment on the site. Just because the Town needs to sell the Blue Oaks lots quickly does not justify approving changes to the PUD and adjusting lot lines that fail to adequately protect the environment and the existing Blue Oaks community.

We believe that further analysis is required as to the impact that development on the lots will have on the existing oak trees and view corridor. The Town is relying on the fact that the intensity of the development being proposed will be less and that the building envelopes will be smaller as justification for using an exemption. Simply because a project is smaller or less intense does not per se mean it will not have environmental impacts. The key to whether a project will have a potentially significant environmental impact is its setting, not its intensity. A 10,000 square foot house may have fewer impacts than a 2,500 square foot house if the larger house only removes 10 trees while the smaller house removes 30 trees and blocks a view corridor. To rely on the fact that there will be fewer homes, cars, etc. is not enough under CEQA and additional analysis is required.

Finally, we request that the Town Attorney clarify how the Town legally can sell the Blue Oaks lots and comply with its Subdivision Ordinance. Under Section 17.20.215 of the Town of Portola Valley Subdivision Code, each subdivision is required to construct affordable housing. Where a developer elects not to construct the affordable housing it can transfer lots to the Town for BMR development. The only opportunity to pay a fee for affordable housing is where there is a fraction of a lot and in that instance, and that instance only, a fee can be paid. The specific section of the Subdivision Code is as follows:

"17.20.215 - Inclusionary lot requirements.

Fifteen percent of the lot in a subdivision shall be developed for affordable housing, as defined in Section 18.04.055 of this code. The subdivider shall transfer these lots to the town and the town will seek an appropriate subdivider to construct the affordable housing. Alternatively, the subdivider, at the town council's discretion, may retain said lots and develop them for affordable housing subject to all provisions of this section. The subdivider shall provide to the inclusionary lots all subdivision improvements required by this section, and these lots shall be developed as a part of a PUD pursuant to Chapter 18.44 of this code. Deed restrictions approved by the town shall be placed on all inclusionary lots and/or units developed on these lots to ensure continued affordability of

the lots and/or units. In calculating the number of inclusionary lots to be provided, a fraction of a lot shall be rounded up to a whole lot; provided that the subdivider may, at the subdivider's option, provide to the town an in-lieu fee for any fractional lot. The amount of such in-lieu fees shall be set out in guidelines established by the town. The in-lieu fees shall be placed in a special housing fund for use solely for affordable housing. The town may waive an in-lieu fee if the subdivider agrees to build a number of affordable housing units acceptable to the town. Any subdivider subject to this section shall receive a density bonus of ten percent notwithstanding the provisions of Chapter 18.50. The procedures for calculating the density bonus shall be set out in guidelines established by the town.”

It is clear from the Town’s Subdivision Ordinance that its intent is to ensure that affordable housing is included throughout the community and specifically in new developments. The changes being proposed to the Blue Oaks PUD and the lifting of the BMR restrictions on those lots is a change in policy that is in direct conflict with the Town’s Subdivision Ordinance. If the Town wants to allow developers to pay a fee in lieu of dedicating lots for BMR that is something that Keep PV Rural can and will support. We see a benefit to the Town collecting fees that it can then use to construct affordable housing, contribute to affordable housing projects and/or support construction of more secondary housing units. We also agree in the Town providing flexibility to developers in meeting their affordable housing obligation so that the Town is not stuck with lots that it asserts it cannot develop. We are concerned, however, that the Town is making this policy change without adequately analyzing and studying the issue and the impact that this change might have on future projects. Again, just because the Town needs to sell the Blue Oaks lots does not mean it should circumvent the legal requirements for making such a significant policy change. We respectfully request an explanation as to how the Town can make this blanket change without revisions to its Subdivision Ordinance.

In sum, Keep PV Rural urges the Town to consider the whole of its action and the impact that the changes being considered tonight will have not only on Blue Oaks but also on the entire Town and future developments. If you have any questions about any of the items in this letter or would like to discuss it in more detail please let us know.

Sincerely,

Keep PV Rural  
3130 Alpine Rd., Suite #288-235  
Portola Valley CA 94028-7521  
keepvrrural@gmail.com

October 31, 2012

Portola Valley Town Council  
Portola Valley Planning Department

Subject: Ideas around Affordable Housing in PV.

I have been following the progress on "Affordable Housing" for Portola Valley in the Almanac. The path to get to completion of low cost housing seems to be still clouded. The sites the Town has and being considered do not look really suitable to me. So, here are some ideas and comments for implementation to meet the States requirements.

The area between Spring Down Equestrian Center and Portola Road should be considered for the housing. The Town can swap some of the "open space" in front of Spring Down for the open area between the tennis courts/ball-field and Portola Road. This would retain approximately the same areas in designated "open space". The present open space is shield from Portola Road by a row of trees and a small berm. The site is also well situated for access to commercial services and the town center.

An issue with the "Open Space" in front of Spring Down is the two San Andreas fault traces. I have not measured the separation between the traces but it appears there may be enough distance between them that high density housing can be built.

There would be no reason for continue with the purchase of the AI's Nursery site. The AI's site is odd shaped making it more difficult to develop for housing. The lots in Blue Oaks can be sold. This nets the Town about \$2.5 million.

I also think the town should look to the end point of the "Affordable Housing" program in order to make decisions that lead to a satisfactory program. So I have put together some numbers. Taking the median income levels in San Mateo County of \$87,000 for a single person and \$123,000 for a family of four, the purchasers can afford a monthly payment of near \$1800 and \$2600 per month respectfully. This is at 25% of the income going to towards housing payments. I used a 5% interest and a 20-year loan to figure that a \$300,000 loan for a single person and a \$450,000 for a family loan are upper limits for the purchasers to support. The 5% is a guess at a mortgage interest rate in a couple years. Given a 20% down payment to purchase a unit, the purchase prices will be in \$360,000 for a single person unit and \$540,000 for a family unit.

The unit sales price needs to be considered when evaluating a piece of property and construction techniques for "Affordable Housing". My suggestion is that the Town look for pieces of property that are easily prepared and are compatible with high density housing units. It may be prudent to consider developers that are experienced in construction techniques for modular duplexes or other multifamily buildings. The Town could have a pro-forma analysis done so before selecting a site it would know that the end sales price can be achieved.

Jerry Secrest  
250 Willowbrook Dr

**RESOLUTION NO. \_\_\_\_\_-2012****RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PORTOLA VALLEY APPROVING AMENDMENTS TO BLUE OAKS PUD X7D-137 AND LOT LINE ADJUSTMENT X6D-214**

**WHEREAS**, at the direction of the Council of the Town of Portola Valley ("Town"), staff initiated an application for an amendment to the Blue Oaks Planned Unit Development ("PUD") and a Lot Line Adjustment ("LLA") to assist in implementing the Town's State certified Housing Element; and

**WHEREAS**, the PUD amendment and LLA would reduce the number of lots from four to two, on the Town-owned parcels located at 3 and 5 Buck Meadow Drive in the Blue Oaks developments, remove all references to below market rate housing and reduce allowable development within the building envelopes; and

**WHEREAS**, the Planning Commission conducted a preliminary public review of the proposals on October 3, 2012; and

**WHEREAS**, the Architectural & Site Control Commission ("ASCC") considered the applications at public meetings on October 8 and October 22, 2012; and

**WHEREAS**, on November 7, 2012 the Planning Commission approved the amendments to the Blue Oaks PUD and LLA; and

**WHEREAS**, on November 14, 2012, the Town Council considered all the staff reports prepared for the ASCC and Planning Commission meetings and all the public input in the public record and concluded that it should review the Planning Commission's action; and

**WHEREAS**, the Town Council, after holding a duly noticed public hearing on December 12, 2012 to consider all information in the public record, desires to take final action regarding the Blue Oaks PUD amendment and LLA.

**IT IS HEREBY RESOLVED** by the Town Council of the Town of Portola Valley as follows:

1. All of the findings required by Town Municipal Code Section 18.72.130 were considered when the Blue Oaks project was evaluated and were made with the original PUD and subdivision approvals.
2. The density allowed for under the zoning and the current PUD was higher than eventually approved and the parcel consolidation planned by the PUD amendment and LLA would result in less density and intensity of use than allowed for in the current PUD.
3. The density and location of development relative to physical impacts, including but not limited to, traffic and visual impacts were all considered in the certified

Environmental Impact Report for the Blue Oaks development and will be greatly reduced with the PUD amendments and LLA.

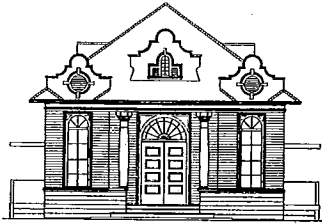
4. The LLA is in compliance with the zoning and building regulations, no easements or utilities are adversely impacted, and the change would not result in a greater number of parcels than originally existed.
5. The PUD amendments and LLA as approved the Planning Commission on November 7, 2012 are affirmed.

**PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2012.**

By: \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk



# MEMORANDUM

## TOWN OF PORTOLA VALLEY

---

**TO:** Mayor and Councilmembers

**FROM:** Sandy Sloan, Town Attorney

**DATE:** December 5, 2012

**RE:** **Final Action on the Sale of 3 and 5 Buck Meadow Drive**

### RECOMMENDATION

After the Town Council conducts a public hearing and hears any protests, adopt a resolution approving the sale of the Town-owned property located at 3 and 5 Buck Meadow Drive (APNs 080-340-230, -240, -250 and -260), commonly referred to as the "Blue Oaks Lots".

### BACKGROUND

On November 28, 2012, the Town Council adopted a resolution finding that the public interest and convenience require the sale of and stating the Town's intention to sell the Blue Oaks Lots. The resolution set the date and time for this public hearing to hear protests and take final action on the sale of the Blue Oaks Lots. Notice was published in accordance with the Government Code Section 37423.

The Town Attorney's report of November 16, 2012, a copy of which is attached, gives background on the Town's conversations with affordable housing developers about developing the Blue Oaks lots, the Housing Element update of 2009, and the conditional contract to sell the Blue Oaks lots to an LLC formed by homeowners in the Blue Oaks subdivision.

This public hearing provides the opportunity for any interested person to protest the proposed sale of the Blue Oaks Lots. If no protests are received or the Town Council overrules the protests by a four-fifths vote of its members at the public hearing, it may proceed to take final action on the sale of the Blue Oaks Lots after the close of the public hearing.

**FISCAL IMPACT**

The sale proceeds shall only be used for affordable housing purposes.

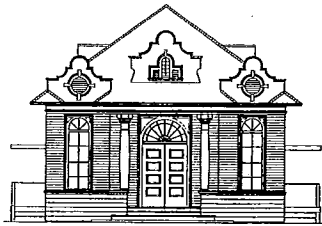
**ATTACHMENT**

1. Town Attorney's Report of November 16, 2012
2. Vacant Land Purchase Agreement and Joint Escrow Instructions

cc: Town Manager



Attachment 1



# MEMORANDUM

## TOWN OF PORTOLA VALLEY

---

**TO:** Mayor and Councilmembers

**FROM:** Sandy Sloan, Town Attorney

**DATE:** November 16, 2012

**RE:** Resolution of Finding and Intention to Sell Blue Oaks Property

**RECOMMENDATION**

Staff recommends that the Town Council adopt the attached resolution of its finding and intention to sell the Town-owned property located at 3 and 5 Buck Meadow Drive (APNs 080-340-230, -240, -250 and -260), commonly referred to as the “Blue Oaks Lots”.

**BACKGROUND**

In 1998, pursuant to the Town’s inclusionary lot requirements, the developer of the Blue Oaks subdivision was required to set aside four lots for the development of eight for-sale moderate income units. The developer ultimately decided not to pursue developing the affordable housing units and deeded the Blue Oaks Lots to the Town.

Starting in 2000, the Town has had five affordable housing developers (including Bridge Housing, Eden Housing, EAH Housing, Palo Alto Housing Corporation, and Habitat for Humanity) consider undertaking an eight unit for-sale moderate income housing project on the Blue Oaks Lots. All these affordable housing developers, except Habitat for Humanity, determined that an eight unit for-sale moderate income project was infeasible. Habitat for Humanity’s proposal for a development for low or very-low income families using “sweat equity” on weekends was considered not appropriate by the Town.

As part of the Housing Element update process in 2009, the Town began to consider selling the Blue Oaks Lots and purchasing land in an alternative location in Town for affordable housing. On August 29, 2012, the Town Council entered into a Purchase and Sale Agreement for 900 Portola Road in anticipation of using that property as an alternative location for the development of affordable housing. The purchase of 900

Portola Road is contingent upon the sale of the Blue Oaks Lots. On September 12, 2012, Council approved the marketing of the Blue Oaks Lots for sale and the Town has now entered into a contract with an LLC formed by the Blue Oaks Homeowners for \$2,880,000.00, contingent upon (1) the Council approving the lot line adjustment and PUD amendments for the Blue Oaks Lots and (2) the Council holding a hearing on the sale of the Blue Oaks Lots.

## **DISCUSSION**

Prior to the sale of the Blue Oaks Lots, the Town must comply with the process identified in California Government Code Section 37420 et. seq. First, the Town Council must find that the public interest and convenience require the sale of the Town-owned property. As described above, the Town has owned the Blue Oaks Lots since 1998 and has been unable to develop the property for affordable housing. The Town currently has the opportunity to purchase property in an alternative location that is more appropriate for the development affordable housing, as was contemplated in the 2009 certified Housing Element. The Town has received an offer for the purchase of the Blue Oaks Lots that will allow the Town to purchase alternative property to meet the goals in the Town's certified Housing Element. As a result, public interest and convenience require the sale of the property.

The Government Code requires the Town Council to adopt a resolution that states the finding that public interest and convenience require the sale of the property and that states the intention to sell the property. The resolution shall also fix a time for hearing protests to the sale of the property, provide for publication of notice of the hearing, fix the time when the Town Council will take final action and contain an accurate description of the property to be sold. The attached resolution complies with these requirements.

At any time prior to final action, any interested person may protest the proposed sale. The Town Council will hold a public hearing to hear protests, if any, to the sale of the Blue Oaks Lots on December 12, 2012 at 7:30p.m. in the Historic School House meeting room at the Town Center, located at 765 Portola Road. If no protests are received or the Town Council overrules the protests by a four-fifths vote of its members at that public hearing, it may proceed with the sale. The Town Council will take final action on the sale of the Blue Oaks Lots after the close of the public hearing.

## **FISCAL IMPACT**

The sale proceeds would not be able to be used for any purpose other than affordable housing.

## **ATTACHMENT**

1. Resolution of the Town Council of the Town of Portola Valley of its Finding and Intention to Sell that Certain Real Property Located at 3aAnd 5 Buckmeadow Drive Pursuant to Government Code Section 37420 et seq.

cc: Town Manager

**RESOLUTION NO. 2572-2012**

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PORTOLA VALLEY OF ITS FINDING AND INTENTION TO SELL 3 AND 5 BUCK MEADOW DRIVE PURSUANT TO GOVERNMENT CODE SECTION 37420 ET SEQ.**

**WHEREAS**, the Town of Portola Valley ("Town") owns the property located at 3 and 5 Buck Meadow Drive (APNs 080-340-230, -240, -250 and -260) ("Property"); and

**WHEREAS**, the developer of the Blue Oaks subdivision deeded the Property to the Town pursuant to the Town's inclusionary lot requirements for the purpose of developing eight for-sale moderate income units; and

**WHEREAS**, the Town has determined, with input from experienced affordable housing developers, that an eight unit for-sale moderate income housing project on the Property is infeasible; and

**WHEREAS**, the Town's certified Housing Element contemplates the sale of the Property and purchase of land in an alternative location in Town for affordable housing; and

**WHEREAS**, the Town is in contract, contingent upon the sale of the Property, to purchase 900 Portola Road that appears more suitable for the development of affordable housing; and

**WHEREAS**, even if the Town determines not to build affordable housing in this alternative location, the funds from the sale of the Property will be set aside for another alternative location or for the purposes of affordable housing; and

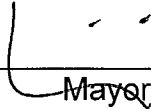
**WHEREAS**, California Government Code Sections 37420 through 37430 authorize the Town to sell Town-owned property.

**IT IS HEREBY RESOLVED** by the Town Council of the Town of Portola Valley as follows:


1. The public interest and convenience require the sale of the Property; and
2. The Town intends to sell the Property; and
3. A public hearing shall be held by the Town Council to hear any protests regarding the sale of the Property on December 12, 2012 at 7:30 p.m. in the Historic School House Meeting Room at the Town Center located at 765 Portola Road, Portola Valley, California or as soon thereafter as the matter may be heard; and
4. Notice of the hearing shall be provided by publication in a daily newspaper published and circulated in Town and notice shall be posted for not less than ten days in at least three conspicuous places upon each parcel of the Property; and

5. The Town Council shall take final action on the sale of the Property on December 12, 2012, following the public hearing.

**PASSED AND ADOPTED this 28 day of November, 2012.**

By:   
Mayor

ATTEST:

  
Town Clerk

Attachment 2



PRDS® COUNTER OFFER No. One



This Counter Offer ("Counter Offer") is made to the proposed Real Estate Purchase Contract ("Contract"), dated Nov. 14 2012 (or  to Counter Offer No. \_\_\_\_\_), between Buck Meadow LLC ("Buyer") and Town of Portola Valley ("Seller"), relating to 080-241-230, 080-241-240, 080-241-260, 080-241-262 - Portola Valley County of San Mateo, CA ("Property").

The maker (Buyer or Seller) of this Counter Offer accepts the above-referenced Contract (or, if indicated, counter offer), subject to the additional terms set forth below. All parties signing this document affirm that they have read its terms and have received a copy thereof. [NOTE: Seller has the right to entertain, and to accept, other offers at any time prior to actual contract formation herein, occasioned by delivery and personal receipt of executed documents.]

- 1. As to any agreed modification of overall purchase price, the down payment, deposit and loan amounts shall be adjusted proportionally, except as otherwise agreed in writing.
- 2. **IMPORTANT: If either the contractual ARBITRATION CLAUSE or the LIQUIDATED DAMAGES CLAUSE is NOT INITIALED BY ALL PARTIES HERETO, that particular clause is EXPRESSLY DELETED FROM THIS CONTRACT.**
- 3. The following addenda are made part of this Counter Offer:  "AS IS";  Sale of Buyer's Property;  Seller Locating Replacement Property;  Seller Occupancy After Sale;  PRDS Seller and Other Financing;  PRDS Common Interest Dev.;  Other \_\_\_\_\_

4. OTHER TERMS AND CONDITIONS:

- 1. Paragraph 1D is amended to read: The Close of Escrow shall occur on December 19, 2012. \_\_\_\_\_
- 2. The Arbitration of Disputes is agreed to and must be initialed by both parties. \_\_\_\_\_
- 3. Paragraph A. 7 is amended to read "Seller shall accept an additional conservation easement in Lot B (P.O.S.E.) from Buyer as shown in Exhibit "A." \_\_\_\_\_
- 4. The Property is sold As-Is and the AS-IS SALE;DISCLAIMERS page attached to this counter-offer is an integral part of this Agreement. \_\_\_\_\_
- 5. Additional Seller Contingencies. This Agreement is contingent upon Seller's Town council
  - a. Holding a noticed public hearing regarding and approving, in its discretion, the Amendment to the Blue Oaks Planned Unit Development Statement set forth in Paragraph A of the Addendum; and \_\_\_\_\_
  - b. Holding a noticed public hearing and approving in its discretion the sale of the Property pursuant to California Government Code Section 37420 et seq. \_\_\_\_\_

5. COUNTER OFFER; EXPIRATIONS: Unless this Counter Offer is accepted by the party receiving it and a fully signed copy thereof (whether delivered in person, by mail or by facsimile) is personally received by the party making said Counter Offer, or by Ginny F. Joe Kavanagh (authorized recipient) by 11-15-12 at 8:00 AM  /PM. , this Counter Offer shall be deemed revoked, and the deposit shall be returned.

Date: 11/15/12 Time: 4:50 pm Printed name: MWann Moise Derwin Signature: \_\_\_\_\_  
Date: \_\_\_\_\_ Time: \_\_\_\_\_ Printed name: \_\_\_\_\_ Signature: \_\_\_\_\_

6. ACCEPTANCE: The Counter Offer is accepted (if initialed here 11/15/12 Time: 7:45 pm Printed name: PATRICIA Murray Buck Signature: [Signature] ) SUBJECT TO COUNTER OFFER No. 1 / Meadow LLC  
Date: \_\_\_\_\_ Time: \_\_\_\_\_ Printed name: \_\_\_\_\_ Signature: \_\_\_\_\_

7. ONLY IF CHECKED HERE , this is a MULTIPLE COUNTER OFFER: Seller is countering other interested parties in addition to Buyer, and it is expressly agreed that contract formation shall require (a) Buyer's acceptance of this document and delivery thereof to Seller (or authorized recipient \_\_\_\_\_), (b) Seller's re-execution of this document in the space below and (c) Delivery to and personal receipt by Buyer (or authorized recipient \_\_\_\_\_) of the re-executed document. Delivery to Buyer/authorized recipient of this re-executed document shall constitute the rejection by Seller of all other pending offers.  
Seller's re-execution of accepted Multiple Counter Offer: \_\_\_\_\_ Date: \_\_\_\_\_  
Seller's re-execution of accepted Multiple Counter Offer: \_\_\_\_\_ Date: \_\_\_\_\_

8. By initialing here \_\_\_\_\_ / \_\_\_\_\_, maker of this Counter Offer (or authorized recipient) acknowledges receipt of a fully accepted copy thereof (or, if Para. 7 applies, Buyer/authorized recipient \_\_\_\_\_ has received a copy hereof re-executed by Seller).



CALIFORNIA ASSOCIATION OF REALTORS®

VACANT LAND PURCHASE AGREEMENT AND JOINT ESCROW INSTRUCTIONS

(C.A.R. Form VLPA, Revised 4/10)

Date November 14, 2012

1. OFFER:

- A. THIS IS AN OFFER FROM Buck Meadow LLC ("Buyer")
B. THE REAL PROPERTY TO BE ACQUIRED is described as Assessor's Parcel Numbers: 080-241-230, 080-241-240, 080-241-250, 080-241-260
C. THE PURCHASE PRICE offered is Two Million, Eight Hundred Eighty Thousand
D. CLOSE OF ESCROW shall occur on December 14, 2012 (date) (or Days After Acceptance).

2. AGENCY:

- A. POTENTIALLY COMPETING BUYERS AND SELLERS: Buyer and Seller each acknowledge receipt of a disclosure of the possibility of multiple representation by the Broker representing that principal.
B. CONFIRMATION: The following agency relationships are hereby confirmed for this transaction: Listing Agent Coldwell Banker, Selling Agent Coldwell Banker

3. FINANCE TERMS: Buyer represents that funds will be good when deposited with Escrow Holder.

- A. INITIAL DEPOSIT: Deposit shall be in the amount of \$ 144,000.00
B. INCREASED DEPOSIT: Buyer shall deposit with Escrow Holder an increased deposit in the amount of \$
C. LOAN(S)
(1) FIRST LOAN in the amount of \$
(2) SECOND LOAN in the amount of \$
D. ADDITIONAL FINANCING TERMS: \$

- E. BALANCE OF PURCHASE PRICE OR DOWN PAYMENT in the amount of \$ 2,736,000.00
F. PURCHASE PRICE (TOTAL): \$ 2,880,000.00

Buyer's Initials (MBC)

Seller's Initials (MHO)

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Reviewed by \_\_\_\_\_ Date \_\_\_\_\_



Property: Assessor's Parcel Numbers: 080-241-230, 080-241-240, 080-241-250, 080-241-260 Date: November 14, 2012

G. VERIFICATION OF DOWN PAYMENT AND CLOSING COSTS: Buyer (or Buyer's lender or loan broker pursuant to 3H(1)) shall, within 7 (or  21 ) Days After Acceptance, Deliver to Seller written verification of Buyer's down payment and closing costs. (If checked,  verification attached.)

H. LOAN TERMS:

(1) LOAN APPLICATIONS: Within 7 (or  ) Days After Acceptance, Buyer shall Deliver to Seller a letter from lender or loan broker stating that, based on a review of Buyer's written application and credit report, Buyer is prequalified or preapproved for any NEW loan specified in 3C above. (If checked  letter attached.)

(2) LOAN CONTINGENCY: Buyer shall act diligently and in good faith to obtain the designated loan(s). Obtaining the loan(s) specified above is a contingency of this Agreement unless otherwise agreed in writing. Buyer's contractual obligations to obtain and provide deposit, balance of down payment and closing costs are not contingencies of this Agreement.

(3) LOAN CONTINGENCY REMOVAL:

(I) Within 17 (or  ) Days After Acceptance, Buyer shall, as specified in paragraph 19, in writing remove the loan contingency or cancel this Agreement;

OR (ii) if checked  the loan contingency shall remain in effect until the designated loans are funded.

(4)  NO LOAN CONTINGENCY (If checked): Obtaining any loan specified above is NOT a contingency of this Agreement. If Buyer does not obtain the loan and as a result Buyer does not purchase the Property, Seller may be entitled to Buyer's deposit or other legal remedies.

I. APPRAISAL CONTINGENCY AND REMOVAL: This Agreement is (OR, if checked,  is NOT) contingent upon a written appraisal of the Property by a licensed or certified appraiser at no less than the specified purchase price. If there is a loan contingency, Buyer's removal of the loan contingency shall be deemed removal of this appraisal contingency (or,  If checked, Buyer shall, as specified in paragraph 19B(3), in writing remove the appraisal contingency or cancel this Agreement within 17 (or  ) Days After Acceptance). If there is no loan contingency, Buyer shall, as specified in paragraph 19B(3), in writing remove the appraisal contingency or cancel this Agreement within 17 (or  ) Days After Acceptance.

J.  ALL CASH OFFER (If checked): Buyer shall, within 7 (or  21 ) Days After Acceptance, Deliver to Seller written verification of sufficient funds to close this transaction. (If checked  verification attached.)

K. BUYER STATED FINANCING: Seller has relied on Buyer's representation of the type of financing specified (including but not limited to, as applicable, amount of down payment, contingent or non contingent loan, or all cash). If Buyer seeks alternate financing, (i) Seller has no obligation to cooperate with Buyer's efforts to obtain such financing, and (ii) Buyer shall also pursue the financing method specified in this Agreement. Buyer's failure to secure alternate financing does not excuse Buyer from the obligation to purchase the Property and close escrow as specified in this Agreement.

L. SELLER FINANCING: The following terms (or  (if checked) the terms specified in the attached Seller Financing Addendum (C.A.R. Form SFA) apply ONLY to financing extended by Seller under this Agreement.

(1) BUYER'S CREDIT-WORTHINESS: Buyer authorizes Seller and/or Brokers to obtain, at Buyer's expense, a copy of Buyer's credit report. Within 7 (or  ) Days After Acceptance, Buyer shall provide any supporting documentation reasonably requested by Seller.

(2) TERMS: Buyer's promissory note, deed of trust and other documents as appropriate shall incorporate and implement the following additional terms: (i) the maximum interest rate specified in paragraph 3C shall be the actual fixed interest rate for Seller financing; (ii) deed of trust shall contain a REQUEST FOR NOTICE OF DEFAULT on senior loans; (iii) Buyer shall sign and pay for a REQUEST FOR NOTICE OF DELINQUENCY prior to Close Of Escrow and at any future time if requested by Seller; (iv) note and deed of trust shall contain an acceleration clause making the loan due, when permitted by law and at Seller's option, upon the sale or transfer of the Property or any interest in it; (v) note shall contain a late charge of 6% of the installment due (or  ) if the installment is not received within 10 days of the date due; (vi) title insurance coverage in the form of a joint protection policy shall be provided insuring Seller's deed of trust interest in the Property (any increased cost over owner's policy shall be paid by Buyer); and (vii) tax service shall be obtained and paid for by Buyer to notify Seller if property taxes have not been paid.

(3) ADDED, DELETED OR SUBSTITUTED BUYERS: The addition, deletion or substitution of any person or entity under this Agreement or to title prior to Close Of Escrow shall require Seller's written consent. Seller may grant or withhold consent in Seller's sole discretion. Any additional or substituted person or entity shall, if requested by Seller, submit to Seller the same documentation as required for the original named Buyer. Seller and/or Brokers may obtain a credit report, at Buyer's expense, on any such person or entity.

M. ASSUMED OR "SUBJECT TO" FINANCING: Seller represents that Seller is not delinquent on any payments due on any loans. Seller shall, within the time specified in paragraph 19, provide Copies of all applicable notes and deeds of trust, loan balances and current interest rates to Buyer. Buyer shall then, as specified in paragraph 19B(3), remove this contingency or cancel this Agreement. Differences between estimated and actual loan balances shall be adjusted at Close Of Escrow by cash down payment, impound accounts, if any, shall be assigned and charged to Buyer and credited to Seller. Seller is advised that Buyer's assumption of an existing loan may not release Seller from liability on that loan. If this is an assumption of a VA Loan, the sale is contingent upon Seller being provided a release of liability and substitution of eligibility, unless otherwise agreed in writing. If the Property is acquired subject to an existing loan, Buyer and Seller are advised to consult with legal counsel regarding the ability of an existing lender to call the loan due, and the consequences thereof.

4. ALLOCATION OF COSTS (If checked): Unless otherwise specified in writing, this paragraph only determines who is to pay for the inspection, test or service ("Report") mentioned; it does not determine who is to pay for any work recommended or identified in the Report.

A. INSPECTIONS AND REPORTS:

(1)  Buyer  Seller shall pay to have existing septic or private sewage disposal system, if any, inspected \_\_\_\_\_

(2)  Buyer  Seller shall pay for costs of testing to determine the suitability of soil for sewage disposal \_\_\_\_\_

(3)  Buyer  Seller shall pay to have existing wells, if any, tested for water potability and productivity \_\_\_\_\_

Buyer's Initials BMUC pm

Seller's Initials ( mm ) ( \_\_\_\_\_ )

Reviewed by \_\_\_\_\_ Date \_\_\_\_\_



Property: Assessor's Parcel Numbers: 080-241-230, 080-241-240, 080-241-250, 080-241-260 Date: November 14, 2012

(4)  Buyer  Seller shall pay to have Property corners identified \_\_\_\_\_

(6)  Buyer  Seller shall pay for a natural hazard zone disclosure report prepared by \_\_\_\_\_

(6)  Buyer  Seller shall pay for the following inspection or report \_\_\_\_\_

(7)  Buyer  Seller shall pay for the following inspection or report \_\_\_\_\_

**B. ESCROW AND TITLE:**

(1)  Buyer  Seller shall pay escrow fee \_\_\_\_\_

Escrow Holder shall be First American Title

(2)  Buyer  Seller shall pay for owner's title insurance policy specified in paragraph 15E \_\_\_\_\_

Owner's title policy to be issued by First American Title

(Buyer shall pay for any title insurance policy insuring Buyer's Lender, unless otherwise agreed in writing.)

**C. OTHER COSTS:**

(1)  Buyer  Seller shall pay County transfer tax or transfer fee \_\_\_\_\_

(2)  Buyer  Seller shall pay City transfer tax or transfer fee \_\_\_\_\_

(3)  Buyer  Seller shall pay Homeowners' Association ("HOA") transfer fees \_\_\_\_\_

(4)  Buyer  Seller shall pay HOA document preparation fees \_\_\_\_\_

(5)  Buyer  Seller shall pay for \_\_\_\_\_

(6)  Buyer  Seller shall pay for \_\_\_\_\_

5. **POSSESSION AND KEYS:** Possession shall be delivered to Buyer at 5PM or \_\_\_\_\_  AM  PM,  on the date of Close Of Escrow;  on \_\_\_\_\_; or  no later than \_\_\_\_\_ Days After Close Of Escrow. The Property shall be unoccupied, unless otherwise agreed in writing. Seller shall provide keys and/or means to operate all Property locks. If Property is located in a common interest subdivision, Buyer may be required to pay a deposit to the Homeowners' Association ("HOA") to obtain keys to accessible HOA facilities.

**6. STATUTORY DISCLOSURES AND CANCELLATION RIGHTS:**

**A. NATURAL AND ENVIRONMENTAL HAZARDS:** Seller shall, within the time specified in paragraph 19, deliver to Buyer if required by Law: (i) earthquake guides (and questionnaire) and environmental hazards booklet; (ii) disclose if the Property is located in a Special Flood Hazard Area; Potential Flooding (Inundation) Area; Very High Fire Hazard Zone; State Fire Responsibility Area; Earthquake Fault Zone; Seismic Hazard Zone; and (iii) disclose any other zone as required by Law and provide any other information required for those zones.

**B. WITHHOLDING TAXES:** Within the time specified in paragraph 19A, to avoid required withholding, Seller shall Deliver to Buyer or qualified substitute, an affidavit sufficient to comply with federal (FIRPTA) and California withholding Law (C.A.R. Form AS or QS).

**C. MEGAN'S LAW DATABASE DISCLOSURE:** Notice: Pursuant to Section 290.46 of the Penal Code, information about specified registered sex offenders is made available to the public via an Internet Web site maintained by the Department of Justice at www.meganslaw.ca.gov. Depending on an offender's criminal history, this information will include either the address at which the offender resides or the community of residence and ZIP Code in which he or she resides. (Neither Seller nor Brokers are required to check this website. If Buyer wants further information, Broker recommends that Buyer obtain information from this website during Buyer's inspection contingency period. Brokers do not have expertise in this area.

**7. SELLER DOCUMENTATION AND ADDITIONAL DISCLOSURE:**

**A.** Within the time specified in paragraph 19, if Seller has actual knowledge, Seller shall provide to Buyer, in writing, the following information:

(1) **LEGAL PROCEEDINGS:** Any lawsuits by or against Seller, threatening or affecting the Property, including any lawsuits alleging a defect or deficiency in the Property or common areas, or any known notices of abatement or citations filed or issued against the Property.

(2) **AGRICULTURAL USE:** Whether the Property is subject to restrictions for agricultural use pursuant to the Williamson Act (Government Code §§51200-51295).

(3) **DEED RESTRICTIONS:** Any deed restrictions or obligations.

(4) **FARM USE:** Whether the Property is in, or adjacent to, an area with Right to Farm rights (Civil Code §3482.5 and §3482.6).

(5) **ENDANGERED SPECIES:** Presence of endangered, threatened, 'candidate' species, or wetlands on the Property.

(6) **ENVIRONMENTAL HAZARDS:** Any substances, materials, or products that may be an environmental hazard including, but not limited to, asbestos, formaldehyde, radon gas, lead-based paint, fuel or chemical storage tanks, and contaminated soil or water on the Property.

(7) **COMMON WALLS:** Any features of the Property shared in common with adjoining landowners, such as walls, fences, roads, and driveways, and agriculture and domestic wells whose use or responsibility for maintenance may have an effect on the Property.

(8) **LANDLOCKED:** The absence of legal or physical access to the Property.

(9) **EASEMENTS/ENCROACHMENTS:** Any encroachments, easements or similar matters that may affect the Property.

(10) **SOIL FILL:** Any fill (compacted or otherwise), or abandoned mining operations on the Property.

(11) **SOIL PROBLEMS:** Any slippage, sliding, flooding, drainage, grading, or other soil problems.

(12) **EARTHQUAKE DAMAGE:** Major damage to the Property or any of the structures from fire, earthquake, floods, or landslides.

(13) **ZONING ISSUES:** Any zoning violations, non-conforming uses, or violations of "setback" requirements.

(14) **NEIGHBORHOOD PROBLEMS:** Any neighborhood noise problems, or other nuisances.

**B. RENTAL AND SERVICE AGREEMENTS:** Within the time specified in paragraph 19, Seller shall make available to Buyer for inspection and review, all current leases, rental agreements, service contracts and other related agreements, licenses, and permits pertaining to the operation or use of the Property.

**C.  TENANT ESTOPPEL CERTIFICATES:** (If checked) Within the time specified in paragraph 19, Seller shall deliver to Buyer tenant estoppel certificates (C.A.R. Form TEC) completed by Seller or Seller's agent, and signed by tenants, acknowledging: (i) that tenants' rental or lease agreements are unmodified and in full force and effect (or if modified, stating all such modifications); (ii) that no lessor defaults exist; and (iii) stating the amount of any prepaid rent or security deposit.

**D. MELLO-ROOS TAX; 1915 BOND ACT:** Within the time specified in paragraph 19, Seller shall: (i) make a good faith effort to obtain a notice from any local agencies that levy a special tax or assessment on the Property (or, if allowed, substantially equivalent notice), pursuant to the Mello-Roos Community Facilities Act, and Improvement Bond Act of 1915, and (ii) promptly deliver to Buyer any such notice obtained.

Buyer's Initials BMUC

Seller's Initials (MMD) ( \_\_\_\_\_ )

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Reviewed by \_\_\_\_\_ Date \_\_\_\_\_





Property: Assessor's Parcel Numbers: 080-241-230, 080-241-240, 080-241-250, 080-241-260 Date: November 14, 2012

**8. CONDOMINIUM/PLANNED UNIT DEVELOPMENT DISCLOSURES:**

- A. SELLER HAS: 7 (or  0) Days After Acceptance to disclose to Buyer whether the Property is a condominium, or is located in a planned development or other common interest subdivision (C.A.R. Form VLQ).
- B. If the Property is a condominium, or located in a planned unit development or other common interest subdivision, Seller has 3 (or  0) Days After Acceptance to request from the HOA (C.A.R. Form HOA): (i) Copies of any documents required by Law; (ii) disclosure of any pending or anticipated claim or litigation by or against the HOA; (iii) a statement containing the location and number of designated parking and storage spaces; (iv) Copies of the most recent 12 months of HOA minutes for regular and special meetings; and (v) the names and contact information of all HOAs governing the Property (collectively, "CI Disclosures") and (vi) the following if Seller has actual knowledge: (a) any material defects in the condition of common area (such as pools, tennis courts, walkways or other areas co-owned in undivided interest with other); and (b) possible lack of compliance with HOA requirements. Seller shall itemize and Deliver to Buyer all CI Disclosures received from the HOA and any CI Disclosures in Seller's possession. Buyer's approval of CI Disclosures is a contingency of this Agreement as specified in paragraph 14B(3).

9. **SUBSEQUENT DISCLOSURES:** In the event Seller, prior to Close Of Escrow, becomes aware of adverse conditions materially affecting the Property, or any material inaccuracy in disclosures, information or representations previously provided to Buyer of which Buyer is otherwise unaware, Seller shall promptly provide a subsequent or amended disclosure or notice, in writing, covering those items. However, a subsequent or amended disclosure shall not be required for conditions and material inaccuracies disclosed in reports ordered and paid for by Buyer.

**10. CHANGES DURING ESCROW:**

- A. Prior to Close Of Escrow, Seller may engage in the following acts, ("Proposed Changes"), subject to Buyer's rights in paragraph 19: (i) rent or lease any part of the premises; (ii) alter, modify or extend any existing rental or lease agreement; (iii) enter into, alter, modify or extend any service contract(s); or (iv) change the status of the condition of the Property.
- B. At least 7 (or  \_\_\_\_\_) Days prior to any Proposed Changes, Seller shall give written notice to Buyer of such Proposed Changes.

**11. ITEMS INCLUDED AND EXCLUDED:**

- A. **NOTE TO BUYER AND SELLER:** Items listed as included or excluded in the MLS, fliers or marketing materials are not included in the purchase price or excluded from the sale unless specified in 11B or C.
- B. **ITEMS INCLUDED IN SALE:**
  - (1) All EXISTING fixtures and fittings that are attached to the Property;
  - (2) The following items: \_\_\_\_\_
  - (3) Seller represents that all items included in the purchase price, unless otherwise specified, are owned by Seller.
  - (4) All items included shall be transferred free of liens and without Seller warranty.
- C. **ITEMS EXCLUDED FROM SALE:** \_\_\_\_\_

12. **CONDITION OF PROPERTY:** Unless otherwise agreed: (i) the Property is sold (a) in its PRESENT physical ("as-is") condition as of the date of Acceptance and (b) subject to Buyer Investigation rights; (ii) the Property is to be maintained in substantially the same condition as of the date of Acceptance and (iii)  (If checked) All debris and personal property not included in the sale shall be removed by Seller by Close Of Escrow.

- A. SELLER SHALL, within the time specified in paragraph 19, DISCLOSE KNOWN MATERIAL FACTS AND DEFECTS AFFECTING THE PROPERTY AND MAKE ALL OTHER DISCLOSURES REQUIRED BY LAW.
- B. Buyer has the right to inspect the Property and, as specified in paragraph 19B, based upon information discovered in those inspections: (i) cancel this Agreement; or (ii) request that Seller make Repairs or take other action.
- C. Buyer is strongly advised to conduct investigations of the entire Property in order to determine its present condition. Seller may not be aware of all defects affecting the Property or other factors that Buyer considers important. Property improvements may not be built according to code, in compliance with current Law, or have had permits issued.

**13. BUYER'S INVESTIGATION OF PROPERTY AND MATTERS AFFECTING PROPERTY:**

- A. Buyer's acceptance of the condition of, and any other matter affecting the Property, is a contingency of this Agreement as specified in this paragraph and paragraph 19B. Within the time specified in paragraph 19B(1), Buyer shall have the right, at Buyer's expense unless otherwise agreed, to conduct inspections, investigations, tests, surveys and other studies ("Buyer Investigations"), including, but not limited to, the right to: (i) inspect for lead-based paint and other lead-based paint hazards; (ii) inspect for wood destroying pests and organisms; (iii) review the registered sex offender database; (iv) confirm the insurability of Buyer and the Property; and (v) satisfy Buyer as to any matter specified in the attached Buyer's Inspection Advisory (C.A.R. Form BIA). Without Seller's prior written consent, Buyer shall neither make nor cause to be made: (i) invasive or destructive Buyer Investigations; or (ii) inspections by any governmental building or zoning inspector or government employee, unless required by Law.
- B. Seller shall make the Property available for all Buyer Investigations. Buyer shall (i) as specified in paragraph 19B, complete Buyer Investigations and, either remove the contingency or cancel this Agreement, and (ii) give Seller, at no cost, complete Copies of all Investigation reports obtained by Buyer, which obligation shall survive the termination of this Agreement.
- C. **Buyer indemnity and Seller protection for entry upon property:** Buyer shall: (i) keep the Property free and clear of liens; (ii) repair all damage arising from Buyer Investigations; and (iii) indemnify and hold Seller harmless from all resulting liability, claims, demands, damages and costs of Buyer's Investigations. Buyer shall carry, or Buyer shall require anyone acting on Buyer's behalf to carry, policies of liability, workers' compensation and other applicable insurance, defending and protecting Seller from liability for any injuries to persons or property occurring during any Buyer Investigations or work done on the Property at Buyer's direction prior to Close Of Escrow. Seller is advised that certain protections may be afforded Seller by recording a "Notice of Non-responsibility" (C.A.R. Form NNR) for Buyer Investigations and work done on the Property at Buyer's direction. Buyer's obligations under this paragraph shall survive the termination or cancellation of this Agreement and Close Of Escrow.

Buyer's Initials (Bmuc) (\_\_\_\_\_)

Seller's Initials (MAD) (\_\_\_\_\_)

Reviewed by \_\_\_\_\_ Date \_\_\_\_\_



Property: Assessor's Parcel Numbers: 080-241-230, 080-241-240, 080-241-250, 080-241-260 Date: November 14, 2012

- D. BUYER IS STRONGLY ADVISED TO INVESTIGATE THE CONDITION AND SUITABILITY OF ALL ASPECTS OF THE PROPERTY AND ALL MATTERS AFFECTING THE VALUE OR DESIRABILITY OF THE PROPERTY, INCLUDING BUT NOT LIMITED TO, THE ITEMS SPECIFIED BELOW. IF BUYER DOES NOT EXERCISE THESE RIGHTS, BUYER IS ACTING AGAINST THE ADVICE OF BROKERS. BUYER UNDERSTANDS THAT ALTHOUGH CONDITIONS ARE OFTEN DIFFICULT TO LOCATE AND DISCOVER, ALL REAL PROPERTY CONTAINS CONDITIONS THAT ARE NOT READILY APPARENT AND THAT MAY AFFECT THE VALUE OR DESIRABILITY OF THE PROPERTY. BUYER AND SELLER ARE AWARE THAT BROKERS DO NOT GUARANTEE, AND IN NO WAY ASSUME RESPONSIBILITY FOR, THE CONDITION OF THE PROPERTY. BROKERS HAVE NOT AND WILL NOT VERIFY ANY OF THE ITEMS IN THIS PARAGRAPH 13, UNLESS OTHERWISE AGREED IN WRITING.**
- E. SIZE, LINES, ACCESS AND BOUNDARIES:** Lot size, property lines, legal or physical access and boundaries including features of the Property shared in common with adjoining landowners, such as walls, fences, roads and driveways, whose use or responsibility for maintenance may have an effect on the Property and any encroachments, easements or similar matters that may affect the Property. (Fences, hedges, walls and other natural or constructed barriers or markers do not necessarily identify true Property boundaries. Property lines may be verified by survey.) (Unless otherwise specified in writing, any numerical statements by Brokers regarding lot size are APPROXIMATIONS ONLY, which have not been and will not be verified, and should not be relied upon by Buyer.)
- F. ZONING AND LAND USE:** Past, present, or proposed laws, ordinances, referendums, initiatives, votes, applications and permits affecting the current use of the Property, future development, zoning, building, size, governmental permits and inspections. Any zoning violations, non-conforming uses, or violations of "setback" requirements. (Buyer should also investigate whether these matters affect Buyer's intended use of the Property.)
- G. UTILITIES AND SERVICES:** Availability, costs, restrictions and location of utilities and services, including but not limited to, sewerage, sanitation, septic and leach lines, water, electricity, gas, telephone, cable TV and drainage.
- H. ENVIRONMENTAL HAZARDS:** Potential environmental hazards, including, but not limited to, asbestos, lead-based paint and other lead contamination, radon, methane, other gases, fuel, oil or chemical storage tanks, contaminated soil or water, hazardous waste, waste disposal sites, electromagnetic fields, nuclear sources, and other substances, including mold (airborne, toxic or otherwise), fungus or similar contaminant, materials, products or conditions.
- I. GEOLOGIC CONDITIONS:** Geologic/seismic conditions, soil and terrain stability, suitability and drainage including any slippage, sliding, flooding, drainage, grading, fill (compacted or otherwise), or other soil problems.
- J. NATURAL HAZARD ZONE:** Special Flood Hazard Areas, Potential Flooding (Inundation) Areas, Very High Fire Hazard Zones, State Fire Responsibility Areas, Earthquake Fault Zones, Seismic Hazard Zones, or any other zone for which disclosure is required by Law.
- K. PROPERTY DAMAGE:** Major damage to the Property or any of the structures or non-structural systems and components and any personal property included in the sale from fire, earthquake, floods, landslides or other causes.
- L. NEIGHBORHOOD, AREA AND PROPERTY CONDITIONS:** Neighborhood or area conditions, including Agricultural Use Restrictions pursuant to the Williamson Act (Government Code §§51200-51295), Right To Farm Laws (Civil Code §3482.5 and §3482.6), schools, proximity and adequacy of law enforcement, crime statistics, the proximity of registered felons or offenders, fire protection, other government services, availability, adequacy and cost of any speed-wired, wireless internet connections or other telecommunications or other technology services and installations, proximity to commercial, industrial or agricultural activities, existing and proposed transportation, construction and development that may affect noise, view, or traffic, airport noise, noise or odor from any source, abandoned mining operations on the Property, wild and domestic animals, other nuisances, hazards, or circumstances, protected species, wetland properties, botanical diseases, historic or other governmentally protected sites or improvements, cemeteries, facilities and condition of common areas of common interest subdivisions, and possible lack of compliance with any governing documents or Homeowners' Association requirements, conditions and influences of significance to certain cultures and/or religions, and personal needs, requirements and preferences of Buyer.
- M. COMMON INTEREST SUBDIVISIONS: OWNER ASSOCIATIONS:** Facilities and condition of common areas (facilities such as pools, tennis courts, walkways, or other areas co-owned in undivided interest with others), Owners' Association that has any authority over the subject property, CC&Rs, or other deed restrictions or obligations, and possible lack of compliance with any Owners' Association requirements.
- N. SPECIAL TAX:** Any local agencies that levy a special tax on the Property pursuant to the Mello-Roos Community Facilities Act or Improvement Bond Act of 1915.
- O. RENTAL PROPERTY RESTRICTIONS:** Some cities and counties impose restrictions that limit the amount of rent that can be charged, the maximum number of occupants and the right of a landlord to terminate a tenancy.
- P. MANUFACTURED HOME PLACEMENT:** Conditions that may affect the ability to place and use a manufactured home on the Property.

**14. SELLER DISCLOSURES; ADDENDA; ADVISORIES; OTHER TERMS:**

**A. Seller Disclosures (if checked):** Seller shall, within the time specified in paragraph 19A, complete and provide Buyer with a:

Seller Vacant Land Questionnaire (C.A.R. Form VLQ)

**B. Addenda (if checked):**  Addendum # 2 (C.A.R. Form ADM)

Wood Destroying Pest Inspection and Allocation of Cost Addendum (C.A.R. Form WPA)

Purchase Agreement Addendum (C.A.R. Form PAA)  Septic, Well and Property Monument Addendum (C.A.R. Form SW/Pi)

Short Sale Addendum (C.A.R. Form SSA)  Other

**C. Advisories (if checked):**  Buyer's Inspection Advisory (C.A.R. Form BIA)

Probate Advisory (C.A.R. Form PAK)  Statewide Buyer and Seller Advisory (C.A.R. Form SBSA)

Trust Advisory (C.A.R. Form TA)  REO Advisory (C.A.R. Form REO)

**D. Other Terms:**

Buyer's Initials (BULLCPM) ( )

Seller's Initials (MDM) ( )

Reviewed by \_\_\_\_\_ Date \_\_\_\_\_



Property: Assessor's Parcel Numbers: 080-241-230, 080-241-240, 080-241-250, 080-241-260 Date: November 14, 2012

15. TITLE AND VESTING:

- A. Within the time specified in paragraph 19, Buyer shall be provided a current preliminary title report, which shall include a search of the General Index, Seller shall within 7 Days After Acceptance, give Escrow Holder a completed Statement of Information. The preliminary report is only an offer by the title insurer to issue a policy of title insurance and may not contain every item affecting title. Buyer's review of the preliminary report and any other matters which may affect title are a contingency of this Agreement as specified in paragraph 19B.
- B. Title is taken in its present condition subject to all encumbrances, easements, covenants, conditions, restrictions, rights and other matters, whether of record or not, as of the date of Acceptance except: (i) monetary liens of record unless Buyer is assuming those obligations or taking the Property subject to those obligations; and (ii) those matters which Seller has agreed to remove in writing.
- C. Within the time specified in paragraph 19, Seller has a duty to disclose to Buyer all matters known to Seller affecting title, whether of record or not.
- D. At Close Of Escrow, Buyer shall receive a grant deed conveying title (or, for stock cooperative or long-term lease, an assignment of stock certificate or of Seller's leasehold interest), including oil, mineral and water rights if currently owned by Seller. Title shall vest as designated in Buyer's supplemental escrow instructions. THE MANNER OF TAKING TITLE MAY HAVE SIGNIFICANT LEGAL AND TAX CONSEQUENCES. CONSULT AN APPROPRIATE PROFESSIONAL.
- E. Buyer shall receive a standard coverage owner's CLTA policy of title insurance. An ALTA policy or the addition of endorsements may provide greater coverage for Buyer. A title company, at Buyer's request, can provide information about the availability, desirability, coverage, survey requirements, and cost of various title insurance coverages and endorsements. If Buyer desires title coverage other than that required by this paragraph, Buyer shall instruct Escrow Holder in writing and pay any increase in cost.

16. SALE OF BUYER'S PROPERTY:

- A. This Agreement is NOT contingent upon the sale of any property owned by Buyer.
- OR B.  (If checked) The attached addendum (C.A.R. Form COP) regarding the contingency for the sale of property owned by Buyer is incorporated into this Agreement.

17.  MANUFACTURED HOME PURCHASE (If checked): The purchase of the Property is contingent upon Buyer acquiring a personal property manufactured home to be placed on the Property after Close Of Escrow. Buyer  has  has not entered into a contract for the purchase of a personal property manufactured home. Within the time specified in paragraph 19, Buyer shall remove this contingency or cancel this Agreement, (OR, if checked,  this contingency shall remain in effect until the Close Of Escrow of the Property).

18.  CONSTRUCTION LOAN FINANCING (If checked): The purchase of the Property is contingent upon Buyer obtaining a construction loan. A draw from the construction loan  will  will not be used to finance the Property. Within the time specified in paragraph 19, Buyer shall remove this contingency or cancel this Agreement (or, if checked,  this contingency shall remain in effect until Close Of Escrow of the Property).

19. TIME PERIODS; REMOVAL OF CONTINGENCIES; CANCELLATION RIGHTS: The following time periods may only be extended, altered, modified or changed by mutual written agreement. Any removal of contingencies or cancellation under this paragraph by either Buyer or Seller must be exercised in good faith and in writing (C.A.R. Form CR or CC).

A. SELLER HAS: 7 (or  0) Days After Acceptance to Deliver to Buyer all Reports, disclosures and information for which Seller is responsible under paragraphs 3M, 4, 6A and B, 7, 8A, 12A, 14A and B, and 15. Buyer may give Seller a Notice to Seller to Perform (C.A.R. Form NSP) if Seller has not Delivered the items within the time specified.

- B. (1) BUYER HAS: 17 (or  0) Days After Acceptance, unless otherwise agreed in writing, to complete all Buyer Investigations; approve all disclosures, reports and other applicable information, which Buyer receives from Seller; and approve all other matters affecting the Property (including lead-based paint and lead-based paint hazards as well as other information specified in paragraph 6 and insurability of Buyer and the Property).
- (2) Within the time specified in 19B(1), Buyer may request that Seller make repairs or take any other action regarding the Property (C.A.R. Form RR). Seller has no obligation to agree to or respond to Buyer's requests.
- (3) Within the time specified in 19B(1) (or as otherwise specified in this Agreement), Buyer shall, Deliver to Seller either (i) a removal of the applicable contingency (C.A.R. Form CR), or (ii) a cancellation (C.A.R. Form CC) of this Agreement based upon a remaining contingency or Seller's failure to Deliver the specified items. However, if any report, disclosure or information for which Seller is responsible is not Delivered within the time specified in 19A, then Buyer has 5 (or  ) Days After Delivery of any such items, or the time specified in 19B(1), whichever is later, to Deliver to Seller a removal of the applicable contingency or cancellation of this Agreement.
- (4) Continuation of Contingency: Even after the end of the time specified in 19B(1) and before Seller cancels this Agreement, if at all, pursuant to 19C, Buyer retains the right to either (i) in writing remove remaining contingencies, or (ii) cancel this Agreement based upon a remaining contingency or Seller's failure to Deliver the specified items. Once Buyer's written removal of all contingencies is Delivered to Seller, Seller may not cancel this Agreement pursuant to 19C(1).

- C. SELLER RIGHT TO CANCEL:
  - (1) Seller right to Cancel; Buyer Contingencies: If, within the time specified in this Agreement, Buyer does not, in writing, Deliver to Seller a removal of the applicable contingency or cancellation of this Agreement then Seller, after first Delivering to Buyer a Notice to Buyer to Perform (C.A.R. Form NBP) may cancel this Agreement. In such event, Seller shall authorize return of Buyer's deposit.
  - (2) Seller right to Cancel; Buyer Contract Obligations: Seller, after first Delivering to Buyer a NBP may cancel this Agreement for any of the following reasons: (i) if Buyer fails to deposit funds as required by 3A or 3B; (ii) if the funds deposited pursuant to 3A or 3B are not good when deposited; (iii) if Buyer fails to Deliver a letter as required by 3H; (iv) if Buyer fails to Deliver verification as required by 3G or 3J; or (v) if Seller reasonably disapproves of the verification provided by 3G or 3J or the credit report or supporting documentation pursuant to 3M. In such event, Seller shall authorize return of Buyer's deposit.
  - (3) Notice To Buyer To Perform: The NBP shall: (i) be in writing; (ii) be signed by Seller; and (iii) give Buyer at least 2 (or  ) Days After Delivery (or until the time specified in the applicable paragraph, whichever occurs last) to take the applicable action. A NBP may not be Delivered any earlier than 2 Days Prior to the expiration of the applicable time for Buyer to remove a contingency or cancel this Agreement or meet an obligation specified in 19C(2).

D. EFFECT OF BUYER'S REMOVAL OF CONTINGENCIES: If Buyer removes, in writing, any contingency or cancellation rights, unless otherwise specified in a separate written agreement between Buyer and Seller, Buyer shall with regard to that contingency or cancellation right conclusively be deemed to have: (i) completed all Buyer Investigations, and review of reports and other applicable information and disclosures; (ii) elected to proceed with the transaction; and (iii) assumed all liability, responsibility and expense for Repairs or corrections or for inability to obtain financing.

Buyer's Initials ( [Signature] )

Seller's Initials ( MMO ) ( \_\_\_\_\_ )

Reviewed by \_\_\_\_\_ Date \_\_\_\_\_



Property: Assessor's Parcel Numbers: 080-241-230, 080-241-240, 080-241-250, 080-241-260 Date: November 14, 2012

- E. **CLOSE OF ESCROW:** Before Seller or Buyer may cancel this Agreement for failure of the other party to close escrow pursuant to this Agreement, Seller or Buyer must first give the other a demand to close escrow (C.A.R. Form DCE).
- F. **EFFECT OF CANCELLATION ON DEPOSITS:** If Buyer or Seller gives written notice of cancellation pursuant to rights duly exercised under the terms of this Agreement, Buyer and Seller agree to Sign mutual instructions to cancel the sale and escrow and release deposits, if any, to the party entitled to the funds, less fees and costs incurred by that party. Fees and costs may be payable to service providers and vendors for services and products provided during escrow. Release of funds will require mutual Signed release instructions from Buyer and Seller, judicial decision or arbitration award.
- 20. **FINAL VERIFICATION OF CONDITION:** Buyer shall have the right to make a final inspection of the Property within 5 (or \_\_\_\_\_) Days Prior to Close Of Escrow, NOT AS A CONTINGENCY OF THE SALE, but solely to confirm: (i) the Property is maintained pursuant to paragraph 12; (ii) Repairs have been completed as agreed; and (iii) Seller has complied with Seller's other obligations under this Agreement (C.A.R. FORM VP).
- 21. **ENVIRONMENTAL HAZARD CONSULTATION:** Buyer and Seller acknowledge: (i) Federal, state, and local legislation impose liability upon existing and former owners and users of real property, in applicable situations, for certain legislatively defined, environmentally hazardous substances; (ii) Broker(s) has/have made no representation concerning the applicability of any such Law to this transaction or to Buyer or to Seller, except as otherwise indicated in this Agreement; (iii) Broker(s) has/have made no representation concerning the existence, testing, discovery, location and evaluation of/for, and risks posed by, environmentally hazardous substances, if any, located on or potentially affecting the Property; and (iv) Buyer and Seller are each advised to consult with technical and legal experts concerning the existence, testing, discovery, location and evaluation of/for, and risks posed by, environmentally hazardous substances, if any, located on or potentially affecting the Property.
- 22. **PRORATIONS OF PROPERTY TAXES AND OTHER ITEMS:** Unless otherwise agreed in writing, the following items shall be PAID CURRENT and prorated between Buyer and Seller as of Close Of Escrow: real property taxes and assessments, interest, rents, HOA regular, special, and emergency dues and assessments imposed prior to Close Of Escrow, premiums on insurance assumed by Buyer, payments on bonds and assessments assumed by Buyer, and payments on Mello-Roos and other Special Assessment District bonds and assessments that are a current lien. The following items shall be assumed by Buyer WITHOUT CREDIT toward the purchase price: prorated payments on Mello-Roos and other Special Assessment District bonds and assessments and HOA special assessments that are a current lien but not yet due. The Property will be reassessed upon change of ownership. Any supplemental tax bills shall be paid as follows: (i) for periods after Close Of Escrow, by Buyer; and (ii) for periods prior to Close Of Escrow, by Seller. See C.A.R. Form SPT or SBSA for further information. TAX BILLS ISSUED AFTER CLOSE OF ESCROW SHALL BE HANDLED DIRECTLY BETWEEN BUYER AND SELLER. Prorations shall be made based on a 30-day month.
- 23. **SELECTION OF SERVICE PROVIDERS:** Brokers do not guarantee the performance of any vendors, service or product providers ("Providers"), whether referred by Broker or selected by Buyer, Seller or other person. Buyer and Seller may select ANY Providers of their own choosing.
- 24. **MULTIPLE LISTING SERVICE/PROPERTY DATA SYSTEM:** If Broker is a participant of a Multiple Listing Service ("MLS") or Property Data System ("PDS"), Broker is authorized to report to the MLS or PDS a pending sale and, upon Close Of Escrow, the sales price and other terms of this transaction shall be produced to the MLS to be published and disseminated to persons and entities authorized to use the information on terms approved by the MLS or PDS.
- 25. **EQUAL HOUSING OPPORTUNITY:** The Property is sold in compliance with federal, state and local anti-discrimination Laws.
- 26. **ATTORNEY FEES:** In any action, proceeding, or arbitration between Buyer and Seller arising out of this Agreement, the prevailing Buyer or Seller shall be entitled to reasonable attorney fees and costs from the non-prevailing Buyer or Seller, except as provided in paragraph 31A.
- 27. **DEFINITIONS:** As used in this Agreement:
  - A. "Acceptance" means the time the offer or final counter offer is accepted in writing by a party and is delivered to and personally received by the other party or that party's authorized agent in accordance with the terms of this offer or a final counter offer.
  - B. "C.A.R. Form" means the specific form referenced or another comparable form agreed to by the parties.
  - C. "Close Of Escrow" means the date the grant deed, or other evidence of transfer of title, is recorded.
  - D. "Copy" means copy by any means including photocopy, NCR, facsimile and electronic.
  - E. "Days" means calendar days. However, after Acceptance, the last Day for performance of any act required by this Agreement (including Close Of Escrow) shall not include any Saturday, Sunday, or legal holiday and shall instead be the next Day.
  - F. "Days After" means the specified number of calendar days after the occurrence of the event specified, not counting the calendar date on which the specified event occurs, and ending at 11:59 PM on the final day.
  - G. "Days Prior" means the specified number of calendar days before the occurrence of the event specified, not counting the calendar date on which the specified event is scheduled to occur.
  - H. "Deliver", "Delivered" or "Delivery", regardless of the method used (i.e. messenger, mail, email, fax, other), means and shall be effective upon (i) personal receipt by Buyer or Seller or the individual Real Estate Licensee for that principal as specified in paragraph D of the section titled Real Estate Brokers on page 8; OR (ii) if checked,  per the attached addendum (C.A.R. Form RDN).
  - I. "Electronic Copy" or "Electronic Signature" means, as applicable, an electronic copy or signature complying with California Law. Buyer and Seller agree that electronic means will not be used by either party to modify or alter the content or integrity of this Agreement without the knowledge and consent of the other party.
  - J. "Law" means any law, code, statute, ordinance, regulation, rule or order, which is adopted by a controlling city, county, state or federal legislative, judicial or executive body or agency.
  - K. "Repairs" means any repairs (including pest control), alterations, replacements, modifications or retrofitting of the Property provided for under this Agreement.
  - L. "Signed" means either a handwritten or electronic signature on an original document, Copy or any counterpart.
- 28. **BROKERS:**
  - A. **BROKER COMPENSATION** Seller or Buyer, or both, as applicable, agrees to pay compensation to Broker as specified in a separate written agreement between Broker and that Seller or Buyer. Compensation is payable upon Close Of Escrow, or if escrow does not close, as otherwise specified in the agreement between Broker and that Seller or Buyer.

Buyer's Initials ( BMLC ) ( PM )

Seller's Initials ( MMO ) ( \_\_\_\_\_ )

Reviewed by \_\_\_\_\_ Date \_\_\_\_\_



Property: Assessor's Parcel Numbers: 080-241-230, 080-241-240, 080-241-250, 080-241-260 Date: November 14, 2012

**B. SCOPE OF BROKER DUTY:** Buyer and Seller acknowledge and agree that: Brokers: (i) do not decide what price Buyer should pay or Seller should accept; (ii) do not guarantee the condition of the Property; (iii) do not guarantee the performance, adequacy or completeness of inspections, services, products or repairs provided or made by Seller or others; (iv) shall not be responsible for identifying defects that are not known to Broker(s); (v) shall not be responsible for inspecting public records or permits concerning the title or use of the Property; (vi) shall not be responsible for identifying location of boundary lines or other items affecting title; (vii) shall not be responsible for verifying square footage, representations of others or information contained in inspection reports, MLS or PDS, advertisements, flyers or other promotional material, unless otherwise agreed in writing; (viii) shall not be responsible for providing legal or tax advice regarding any aspect of a transaction entered into by Buyer or Seller in the course of this representation; and (ix) shall not be responsible for providing other advice or information that exceeds the knowledge, education and experience required to perform real estate licensed activity. Buyer and Seller agree to seek legal, tax, insurance, title and other desired assistance from appropriate professionals.

**29. JOINT ESCROW INSTRUCTIONS TO ESCROW HOLDER:**

**A. The following paragraphs, or applicable portions thereof, of this Agreement constitute the joint escrow instructions of Buyer and Seller to Escrow Holder, which Escrow Holder is to use along with any related counter offers and addenda, and any additional mutual instructions to close the escrow: 1, 3, 4, 6B, 14B and D, 15, 16B, 17, 18, 19F, 22, 27, 28A, 29, 33, 35, and paragraph D of the section titled Real Estate Brokers on page 10. If a Copy of the separate compensation agreement(s) provided for in paragraph 28A, or paragraph D of the section titled Real Estate Brokers on page 10 is deposited with Escrow Holder by Broker, Escrow Holder shall accept such agreement(s) and pay out of Buyer's or Seller's funds, or both, as applicable, the respective Broker's compensation provided for in such agreement(s). The terms and conditions of this Agreement not specifically referenced above in the specified paragraphs are additional matters for the information of Escrow Holder, but about which Escrow Holder need not be concerned. Buyer and Seller will receive Escrow Holder's general provisions directly from Escrow Holder and will execute such provisions upon Escrow Holder's request. To the extent the general provisions are inconsistent or conflict with this Agreement, the general provisions will control as to the duties and obligations of Escrow Holder only. Buyer and Seller will execute additional instructions, documents and forms provided by Escrow Holder that are reasonably necessary to close the escrow.**

**B. A Copy of this Agreement shall be delivered to Escrow Holder within 3 business days after Acceptance (or  \_\_\_\_\_). Escrow Holder shall provide Seller's Statement of Information to Title company when received from Seller. Buyer and Seller authorize Escrow Holder to accept and rely on Copies and Signatures as defined in this Agreement as originals, to open escrow and for other purposes of escrow. The validity of this Agreement as between Buyer and Seller is not affected by whether or when Escrow Holder Signs this Agreement.**

**C. Brokers are a party to the escrow for the sole purpose of compensation pursuant to paragraph 28A and paragraph D of the section titled Real Estate Brokers on page 10. Buyer and Seller irrevocably assign to Brokers compensation specified in paragraph 28A, respectively, and irrevocably instruct Escrow Holder to disburse those funds to Brokers at Close Of Escrow or pursuant to any other mutually executed cancellation agreement. Compensation instructions can be amended or revoked only with the written consent of Brokers. Buyer and Seller shall release and hold harmless Escrow Holder from any liability resulting from Escrow Holder's payment to Broker(s) of compensation pursuant to this Agreement. Escrow Holder shall immediately notify Brokers: (i) if Buyer's initial or any additional deposit is not made pursuant to this Agreement, or is not good at time of deposit with Escrow Holder; or (ii) if either Buyer or Seller instruct Escrow Holder to cancel escrow.**

**D. A Copy of any amendment that affects any paragraph of this Agreement for which Escrow Holder is responsible shall be delivered to Escrow Holder within 2 business days after mutual execution of the amendment.**

**30. LIQUIDATED DAMAGES: If Buyer fails to complete this purchase because of Buyer's default, Seller shall retain, as liquidated damages, the deposit actually paid. Buyer and Seller agree that this amount is a reasonable sum given that it is impractical or extremely difficult to establish the amount of damages that would actually be suffered by Seller in the event Buyer were to breach this Agreement. Release of funds will require mutual, Signed release instructions from both Buyer and Seller, judicial decision or arbitration award.**

Buyer's Initials mmc Seller's Initials mmD

**31. DISPUTE RESOLUTION:**

**A. MEDIATION:** Buyer and Seller agree to mediate any dispute or claim arising between them out of this Agreement, or any resulting transaction, before resorting to arbitration or court action. Buyer and Seller also agree to mediate any disputes or claims with Broker(s), who, in writing, agree to such mediation prior to, or within a reasonable time after, the dispute or claim is presented to the Broker. Mediation fees, if any, shall be divided equally among the parties involved. If, for any dispute or claim to which this paragraph applies, any party (i) commences an action without first attempting to resolve the matter through mediation, or (ii) before commencement of an action, refuses to mediate after a request has been made, then that party shall not be entitled to recover attorney fees, even if they would otherwise be available to that party in any such action. THIS MEDIATION PROVISION APPLIES WHETHER OR NOT THE ARBITRATION PROVISION IS INITIALED. Exclusions from this mediation agreement are specified in paragraph 31C.

**B. ARBITRATION OF DISPUTES:**

**Buyer and Seller agree that any dispute or claim in Law or equity arising between them out of this Agreement or any resulting transaction, which is not settled through mediation, shall be decided by neutral, binding arbitration. Buyer and Seller also agree to arbitrate any disputes or claims with Broker(s), who, in writing, agree to such arbitration prior to, or within a reasonable time after, the dispute or claim is presented to the Broker. The arbitrator shall be a retired judge or justice, or an attorney with at least 5 years of residential real estate Law experience, unless the parties mutually agree to a different arbitrator. The parties shall have the right to discovery in accordance with Code of Civil Procedure §1283.05. In all other respects, the arbitration shall be conducted in accordance with Title 9 of Part 3 of the Code of Civil Procedure. Judgment upon the award of the arbitrator(s) may be entered into any court having jurisdiction. Enforcement of this agreement to arbitrate shall be governed by the Federal Arbitration Act. Exclusions from this arbitration agreement are specified in paragraph 31C.**

Buyer's Initials mmc

Seller's Initials mmD

Reviewed by \_\_\_\_\_ Date \_\_\_\_\_



Property: Assessor's Parcel Numbers: 080-241-230, 080-241-240, 080-241-250, 080-241-260 Date: November 14, 2012

"NOTICE: BY INITIALING IN THE SPACE BELOW YOU ARE AGREEING TO HAVE ANY DISPUTE ARISING OUT OF THE MATTERS INCLUDED IN THE 'ARBITRATION OF DISPUTES' PROVISION DECIDED BY NEUTRAL ARBITRATION AS PROVIDED BY CALIFORNIA LAW AND YOU ARE GIVING UP ANY RIGHTS YOU MIGHT POSSESS TO HAVE THE DISPUTE LITIGATED IN A COURT OR JURY TRIAL. BY INITIALING IN THE SPACE BELOW YOU ARE GIVING UP YOUR JUDICIAL RIGHTS TO DISCOVERY AND APPEAL, UNLESS THOSE RIGHTS ARE SPECIFICALLY INCLUDED IN THE 'ARBITRATION OF DISPUTES' PROVISION. IF YOU REFUSE TO SUBMIT TO ARBITRATION AFTER AGREEING TO THIS PROVISION, YOU MAY BE COMPELLED TO ARBITRATE UNDER THE AUTHORITY OF THE CALIFORNIA CODE OF CIVIL PROCEDURE. YOUR AGREEMENT TO THIS ARBITRATION PROVISION IS VOLUNTARY."

"WE HAVE READ AND UNDERSTAND THE FOREGOING AND AGREE TO SUBMIT DISPUTES ARISING OUT OF THE MATTERS INCLUDED IN THE 'ARBITRATION OF DISPUTES' PROVISION TO NEUTRAL ARBITRATION."

Buyer's Initials BM Seller's Initials MMB

C. ADDITIONAL MEDIATION AND ARBITRATION TERMS:

- (1) EXCLUSIONS: The following matters shall be excluded from mediation and arbitration: (i) a judicial or non-judicial foreclosure or other action or proceeding to enforce a deed of trust, mortgage or installment land sale contract as defined in Civil Code §2985; (ii) an unlawful detainer action; (iii) the filing or enforcement of a mechanic's lien; and (iv) any matter that is within the jurisdiction of a probate, small claims or bankruptcy court. The filing of a court action to enable the recording of a notice of pending action, for order of attachment, receivership, injunction, or other provisional remedies, shall not constitute a waiver or violation of the mediation and arbitration provisions.
- (2) BROKERS: Brokers shall not be obligated or compelled to mediate or arbitrate unless they agree to do so in writing. Any Broker(s) participating in mediation or arbitration shall not be deemed a party to the Agreement.

32. TERMS AND CONDITIONS OF OFFER:

This is an offer to purchase the Property on the above terms and conditions. The liquidated damages paragraph or the arbitration of disputes paragraph is incorporated in this Agreement if initialed by all parties or if incorporated by mutual agreement in a counter offer or addendum. If at least one but not all parties initial such paragraph(s), a counter offer is required until agreement is reached. Seller has the right to continue to offer the Property for sale and to accept any other offer at any time prior to notification of Acceptance. If this offer is accepted and Buyer subsequently defaults, Buyer may be responsible for payment of Brokers' compensation. This Agreement and any supplement, addendum or modification, including any Copy, may be Signed in two or more counterparts, all of which shall constitute one and the same writing.

33. TIME OF ESSENCE; ENTIRE CONTRACT; CHANGES:

Time is of the essence. All understandings between the parties are incorporated in this Agreement. Its terms are intended by the parties as a final, complete and exclusive expression of their Agreement with respect to its subject matter, and may not be contradicted by evidence of any prior agreement or contemporaneous oral agreement. If any provision of this Agreement is held to be ineffective or invalid, the remaining provisions will nevertheless be given full force and effect. Except as otherwise specified, this Agreement shall be interpreted and disputes shall be resolved in accordance with the laws of the State of California. Neither this Agreement nor any provision in it may be extended, amended, modified, altered or changed, except in writing Signed by Buyer and Seller.

34. EXPIRATION OF OFFER:

This offer shall be deemed revoked and the deposit shall be returned unless the offer is Signed by Seller and a Copy of the Signed offer is personally received by Buyer, or by Mia Banks who is authorized to receive it, by 5:00 PM on the third Day after this offer is signed by Buyer (or, if checked,  by 5  AM  PM, on Thursday Nov. 15, 2012 (date).

Buyer has read and acknowledges receipt of a Copy of the offer and agrees to the above confirmation of agency relationships.

Date 11/14/12 Date \_\_\_\_\_  
 BUYER \_\_\_\_\_ BUYER \_\_\_\_\_  
Buck Meadow LLC - PATRICIA MURIEL (Print name)  
8 Redberry Ridge, Portola Valley 94029 (Address)

Additional Signature Addendum attached (C.A.R. Form ASA).

35. ACCEPTANCE OF OFFER:

Seller warrants that Seller is the owner of the Property, or has the authority to execute this Agreement. Seller accepts the above offer, agrees to sell the Property on the above terms and conditions, and agrees to the above confirmation of agency relationships. Seller has read and acknowledges receipt of a Copy of this Agreement, and authorizes Broker to Deliver a Signed Copy to Buyer.

(If checked) SUBJECT TO ATTACHED COUNTER OFFER (C.A.R. Form CO) DATED: \_\_\_\_\_

Date 11/15/12 Date \_\_\_\_\_  
 SELLER Maryann Moise Derwin SELLER \_\_\_\_\_  
The Town of Portola Valley (Print name)  
 \_\_\_\_\_ (Print name)  
 \_\_\_\_\_ (Address)

Additional Signature Addendum attached (C.A.R. Form ASA).

(\_\_\_\_\_/\_\_\_\_\_) Confirmation of Acceptance: A Copy of Signed Acceptance was personally received by Buyer or Buyer's authorized agent on (date) \_\_\_\_\_ at \_\_\_\_\_  AM  PM. A binding Agreement is created when a Copy of Signed Acceptance is personally received by Buyer or Buyer's authorized agent whether or not confirmed in this document. Completion of this confirmation is not legally required in order to create a binding Agreement; it is solely intended to evidence the date that Confirmation of Acceptance has occurred.

Buyer's Initials (BM) Seller's Initials (MMB)

Reviewed by \_\_\_\_\_ Date \_\_\_\_\_



Property: Assessor's Parcel Numbers: 080-241-230, 080-241-240, 080-241-250, 080-241-260 Date: November 14, 2012

**REAL ESTATE BROKERS:**

- A. Real Estate Brokers are not parties to the Agreement between Buyer and Seller.
- B. Agency relationships are confirmed as stated in paragraph 2.
- C. If specified in paragraph 3A(2), Agent who submitted the offer for Buyer acknowledges receipt of deposit.
- D. **COOPERATING BROKER COMPENSATION:** Listing Broker agrees to pay Cooperating Broker (Selling Firm) and Cooperating Broker agrees to accept, out of Listing Broker's proceeds in escrow: (I) the amount specified in the MLS, provided Cooperating Broker is a Participant of the MLS in which the Property is offered for sale or a reciprocal MLS; or (II)  (if checked) the amount specified in a separate written agreement (C.A.R. Form CBC) between Listing Broker and Cooperating Broker. Declaration of License and Tax (C.A.R. Form DLT) may be used to document that tax reporting will be required or that an exemption exists.

Real Estate Broker (Selling Firm) Coldwell Banker DRE Lic. # 01908304  
 By [Signature] Mia Banks DRE Lic. # 01890669 Date 11/14/2012  
 Address 1377 El Camino Real City Menlo Park State CA Zip 94025  
 Telephone (650)575-9037 Fax \_\_\_\_\_ E-mail miabanks1@gmail.com

Real Estate Broker (Listing Firm) Coldwell Banker DRE Lic. # 01908304  
 By [Signature] Ginny Kavanaugh DRE Lic. # 70010886 Date \_\_\_\_\_  
 Address 116 Portola Road City Portola Valley State CA Zip 94028  
 Telephone (650)400-8076 Fax \_\_\_\_\_ E-mail gkavanaugh@camoves.com

**ESCROW HOLDER ACKNOWLEDGMENT:**

Escrow Holder acknowledges receipt of a Copy of this Agreement, (if checked,  a deposit in the amount of \$ \_\_\_\_\_), counter offer(s) numbered \_\_\_\_\_  Seller's Statement of Information and  Other \_\_\_\_\_, and agrees to act as Escrow Holder subject to paragraph 29 of this Agreement, any supplemental escrow instructions and the terms of Escrow Holder's general provisions, if any.

Escrow Holder is advised that the date of Confirmation of Acceptance of the Agreement as between Buyer and Seller is \_\_\_\_\_

Escrow Holder First American Title Escrow # \_\_\_\_\_  
 By \_\_\_\_\_ Date \_\_\_\_\_  
 Address \_\_\_\_\_  
 Phone/Fax/E-mail \_\_\_\_\_

Escrow Holder is licensed by the California Department of  Corporations,  Insurance,  Real Estate. License # \_\_\_\_\_

**PRESENTATION OF OFFER:** ( \_\_\_\_\_ ) Listing Broker presented this offer to Seller on \_\_\_\_\_ (date).  
 Broker or Designee Initials \_\_\_\_\_

**REJECTION OF OFFER:** ( \_\_\_\_\_ ) ( \_\_\_\_\_ ) No counter offer is being made. This offer was rejected by Seller on \_\_\_\_\_ (date).  
 Seller's Initials \_\_\_\_\_

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VLPA REVISED 4/10 (PAGE 10 of 10)

Reviewed by \_\_\_\_\_ Date \_\_\_\_\_





CALIFORNIA ASSOCIATION OF REALTORS®

ADDENDUM

(C.A.R. Form ADM, Revised 4/12)

No. 1

The following terms and conditions are hereby incorporated in and made a part of the: [ ] Residential Purchase Agreement, [ ] Manufactured Home Purchase Agreement, [ ] Business Purchase Agreement, [ ] Residential Lease or Month-to-Month Rental Agreement, [X] Vacant Land Purchase Agreement, [ ] Residential Income Property Purchase Agreement, [ ] Commercial Property Purchase Agreement, [ ] Other

dated November 14, 2012, on property known as APN: 080-241-230, 240, 250, 260

in which Buck Meadow LLC is referred to as ("Buyer/Tenant") and The Town of Portola Valley is referred to as ("Seller/Landlord").

A. Seller agrees to process an amendment to the Blue Oaks Planned Unit Development Statement of January 14th, 1998 (Resolution No. 1622-1998) and Conditional Use Permit X7D-137, to:

- 1) Merge existing Blue Oaks lots 23, 24, 25 and 26 to create two lots as depicted in Exhibit "A" attached hereto, one lot designated "Lot B" to be sold as a developable lot for a single family residence ("Building Lot"), the other designated "Lot A" to be designated public or private Open Space.
2) Record a lot line adjustment consistent with Exhibit "A" (X6D-214)
3) Remove the condition from the title that the properties be used for Affordable Housing, as recorded in documents dated August 6, 1998 as INSTRUMENT NO. 1998-124558 and October 26, 2000, as INSTRUMENT NO. 2000134722 of Official Records.
4) Driveway access to Lot B shall only be from Buck Meadow.
5) Lot B maximum floor area shall be 5,700 square feet; maximum impervious surface area shall be 10,000 square feet
6) Lot B description in PUD shall include: "Roof lines to blend with existing tree canopy and not project above it."
7) Seller shall grant an additional conservation easement in Lot B (P.O.S.E.) as shown in Exhibit "A."

B. Seller agrees that any costs associated with these changes will be absorbed by the seller, at no cost to buyer.

C. Seller will record a Declaration of Annexation to annex the properties to the Blue Oaks Homeowners Association at the close of escrow.

The foregoing terms and conditions are hereby agreed to, and the undersigned acknowledge receipt of a copy of this document.

Date 11/14/12 Date 11/15/12

Buyer/Tenant Buck Meadow LLC Seller/Landlord Maryann Moise Derwin The Town of Portola Valley

Buyer/Tenant Seller/Landlord

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ADM REVISED 4/12 (PAGE 1 OF 1)

Reviewed by Date

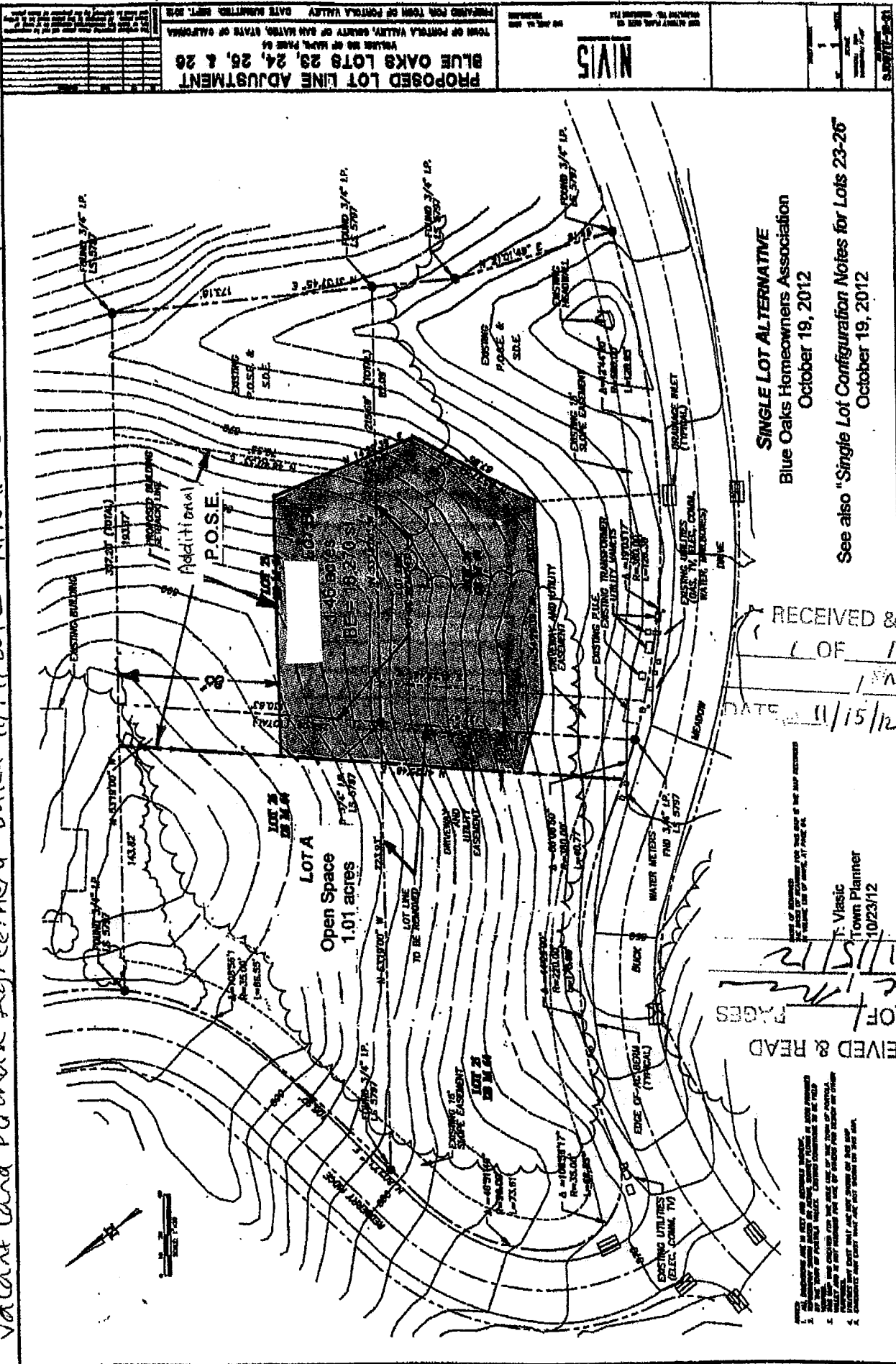


ADDENDUM (ADM PAGE 1 OF 2) 2 pages

Agent: Mia Banks Phone: (650) 575-9037 Fax: (650) 323-7128 Prepared using zipForm® software
Broker: Coldwell Banker 1377 El Camino Real Menlo Park, CA 94025



Appendum #1  
Vacant Land Prorata Agreement Dated 11/14/2012 APN #'S 080-241-230/240/250/260



Page 2 of 2



**ADVISORY AND CONSENT REGARDING  
MULTIPLE AGENCY AND DUAL AGENCY**  
Revision Date 8/04



Real estate brokerage companies vary in terms of number of sales agents and branch offices. Larger brokerages may, at any one time, service hundreds of listings and address the needs of thousands of individual clients. Client is advised that such circumstance, coupled with limited housing inventories and expanding demand for homes, can engender vigorous competition for the same property by numerous buyers and result in situations (referred to herein as "Multiple Agency") wherein two or more sets of buyers are represented by agents from the same brokerage company. Related to Multiple Agency (and included within the scope of that term for purposes of this document) are situations wherein a buyer client is introduced to and shown properties that are listed with the same brokerage to which that buyer's agent belongs.

"Dual Agency" arises when (1) both the buyer and seller of a particular property are represented by the same, individual agent or (2) the buyer and seller are separately represented by different agents of the same brokerage company. Dual Agency is recognized and accepted under California law as a legally authorized agency relationship, and is addressed in the "Disclosure Regarding Real Estate Agency Relationships" form required by Civil Code Section 2079.13, et seq. and provided to Client. When consented to by the subject buyer and seller, a listing agent is thus permitted by law to represent said listing agent's own buyer client (if any) in the showing and eventual sale of property listed by that agent, and may present offers for that buyer on properties listed by other agents affiliated with the same brokerage. Client is nevertheless advised, and acknowledges and understands, that conflicts of interests can and do arise in Dual Agency situations due to the inherently competing interests of buyers and sellers of a particular property and the fact that one single brokerage company, and the agent(s) involved, owe a fiduciary duty to buyer and seller both.

As to any such conflict or dispute, Client understands and agrees that Agent may seek guidance and counsel from Agent's managing broker or broker of record (as applicable) to assist in achieving a fair and impartial resolution. Client acknowledges and accepts Agent's affirmation of brokerage fiduciary duties and responsibilities and Agent's commitment to devote best efforts to fairly and ably resolve such conflicts and other disputes in a manner that favors the interests of neither party over the other. Additionally, Client accepts that, although Agent commits to the full and faithful disclosure to both Buyer and Seller of all material information (of which Agent is aware) reasonably bearing on value or desirability of the subject property, Agent will not (without written consent):

- (a) reveal to Buyer the fact or extent of any willingness by Seller to sell the property at a price, and/or upon terms, less than those set forth in the subject listing;
- (b) reveal to Seller the highest price and/or most Seller-favorable terms upon which Buyer is willing to buy the property; or
- (c) reveal to the other party to the transaction any information relating to any family, financial, health, occupational or other circumstance, purpose or motivation (not relating to condition, value or desirability of the property) that might influence or otherwise bear on Buyer's or Seller's decision to purchase or sell the property.

Client acknowledges and accepts the foregoing limitations and exceptions regarding disclosure by Agent, and acknowledges Agent's advice and recommendation to confer with legal counsel regarding Multiple Agency and Dual Agency and any decision to proceed on the basis thereof.

Client affirms that Client has read and considered the foregoing, and that Client expressly consents to, and hereby agrees to allow Agent and Agent's Broker to proceed on the basis of, Multiple Agency and Dual Agency on Client's behalf as explained herein.

<u>Buck Madison LLC</u>	<u>11/19/12</u>	<u>Maryann Moise Derwin</u>	<u>11/15/12</u>
Client (Buyer)	Date	Client (Seller)	Date
_____	_____	_____	_____
Client (Buyer)	Date	Client (Seller)	Date
_____	_____	_____	_____
Agent for Client (Buyer)	Date	Agent for Client (Seller)	Date
_____	_____	_____	_____
Brokerage Company (please print)		Brokerage Company (please print)	

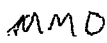
**AS-IS SALE; DISCLAIMERS.** EXCEPT AS EXPRESSLY SET FORTH IN THIS AGREEMENT, IT IS UNDERSTOOD AND AGREED THAT SELLER IS NOT MAKING AND HAS NOT AT ANY TIME MADE ANY REPRESENTATIONS OR WARRANTIES OF ANY KIND OR CHARACTER, EXPRESS OR IMPLIED, WITH RESPECT TO THE PROPERTY, INCLUDING, BUT NOT LIMITED TO, ANY REPRESENTATIONS OR WARRANTIES AS TO HABITABILITY, MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.

BUYER ACKNOWLEDGES AND AGREES THAT UPON CLOSE OF ESCROW SELLER SHALL SELL AND CONVEY TO BUYER AND BUYER SHALL ACCEPT THE PROPERTY "AS IS, WHERE IS, WITH ALL FAULTS," EXCEPT TO THE EXTENT EXPRESSLY PROVIDED OTHERWISE IN THIS AGREEMENT. BUYER HAS NOT RELIED AND WILL NOT RELY ON, AND SELLER IS NOT LIABLE FOR OR BOUND BY, ANY EXPRESS OR IMPLIED WARRANTIES OR REPRESENTATIONS, GUARANTIES, STATEMENTS, OR INFORMATION PERTAINING TO THE PROPERTY OR RELATING THERETO, UNLESS SPECIFICALLY SET FORTH IN THIS AGREEMENT.

BUYER REPRESENTS TO SELLER THAT PRIOR TO CLOSE OF ESCROW BUYER WILL CONDUCT, SUCH INVESTIGATIONS OF THE PROPERTY, INCLUDING, BUT NOT LIMITED TO, THE PHYSICAL AND ENVIRONMENTAL CONDITIONS THEREOF, AS BUYER DEEMS NECESSARY OR DESIRABLE TO SATISFY ITSELF AS TO THE CONDITION OF THE PROPERTY AND THE EXISTENCE OR NONEXISTENCE OF HAZARDOUS SUBSTANCES ON OR AT THE PROPERTY. UPON CLOSE OF ESCROW, BUYER SHALL ASSUME THE RISK THAT ADVERSE MATTERS, INCLUDING BUT NOT LIMITED TO, ADVERSE PHYSICAL AND ENVIRONMENTAL CONDITIONS, MAY NOT HAVE BEEN REVEALED BY BUYER'S INVESTIGATIONS, AND BUYER, UPON CLOSE OF ESCROW (EXCEPT WITH RESPECT TO THE EXPRESS REPRESENTATIONS AND WARRANTIES OF SELLER SET FORTH IN THIS AGREEMENT), SHALL BE DEEMED TO HAVE WAIVED, RELINQUISHED AND RELEASED SELLER FROM AND AGAINST ANY AND ALL CLAIMS, DEMANDS, CAUSES OF ACTION (INCLUDING CAUSES OF ACTION IN TORT, EXCLUDING FRAUD), LOSSES, DAMAGES, LIABILITIES, COSTS AND EXPENSES (INCLUDING REASONABLE ATTORNEYS' FEES) OF ANY KIND, OR CHARACTER, KNOWN OR UNKNOWN, WHICH BUYER MIGHT HAVE ASSERTED OR ALLEGED AGAINST SELLER AT ANY TIME BY REASON OF OR ARISING OUT OF ANY LATENT OR PATENT DEFECTS OR PHYSICAL CONDITIONS REGARDING THE PROPERTY, INCLUDING BUT NOT LIMITED TO (A) THE ENCROACHMENT OF THE NEIGHBOR'S LANDSCAPING AND RELATED IRRIGATION FACILITIES ON THE PROPERTY AND (B) UTILITY FACILITIES WHICH ARE LOCATED OUTSIDE THE UTILITY EASEMENTS ON THE PROPERTY. IN CONNECTION WITH THE ABOVE WAIVERS, BUYER HEREBY WAIVES THE PROVISIONS OF CALIFORNIA CIVIL CODE SECTION 1542 WHICH PROVIDES THAT:

"A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM OR HER MUST HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR."

  
\_\_\_\_\_  
Buyer's Initials

  
\_\_\_\_\_  
Seller's Initials

RESOLUTION NO. \_\_\_\_\_-2012

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PORTOLA VALLEY TAKING FINAL ACTION ON THE SALE OF TOWN-OWNED PROPERTY LOCATED AT 3 AND 5 BUCK MEADOW DRIVE**

**WHEREAS**, the Town of Portola Valley ("Town") owns the property located at 3 and 5 Buck Meadow Drive (APNs 080-340-230, -240, -250 and -260) ("Property"); and

**WHEREAS**, the developer of the Blue Oaks subdivision in which the Property is located deeded the Property to the Town pursuant to the Town's inclusionary lot requirements for the purpose of developing eight for-sale moderate income units; and

**WHEREAS**, the Town has determined, with input from experienced affordable housing developers, that an eight unit for-sale moderate income housing project on the Property is infeasible; and

**WHEREAS**, the Town's certified Housing Element contemplates the sale of the Property and purchase of land in an alternative location in Town for affordable housing; and

**WHEREAS**, the Town is in contract, contingent upon the sale of the Property, to purchase 900 Portola Road that appears more suitable for the development of affordable housing; and

**WHEREAS**, even if the Town determines not to build affordable housing in this alternative location, in accordance with the certified Housing Element, the funds from the sale of the Property will be set aside for another alternative location or for the purposes of affordable housing; and

**WHEREAS**, the Town has complied with all legal requirements regarding the sale of Town-owned property found in California Government Code Sections 37420 through 37430; and

**WHEREAS**, the Town held a duly noticed public hearing on December 12, 2012 to hear any protests regarding the sale of the Property; and

**WHEREAS**, after hearing and considering all protests, the Town Council of the Town of Portola Valley desires to take final action regarding the sale of the Property.

**IT IS HEREBY RESOLVED** by the Town Council of the Town of Portola Valley as follows:

1. Protests to the sale of the Property heard at the December 12, 2012 public hearing are overruled by the Town Council by a vote of at least 4/5 of the Town Council; and

2. Final action is taken to approve the sale of the Property pursuant to the terms of the Vacant Land Purchase Agreement and Joint Escrow Instructions dated November 14, 2012.

**PASSED AND ADOPTED this 12<sup>th</sup> day of December, 2012.**

AYES:

NOES:

ABSTENTIONS:

ABSENT:

By: \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk

**Sharon Hanlon**

---

**Subject:**

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**From:** stephen marra [<mailto:srmarra@sbcglobal.net>]

**Sent:** Tuesday, December 04, 2012 2:20 PM

**To:** Sharon Hanlon

**Cc:** [shandonL@gmail.com](mailto:shandonL@gmail.com)

**Subject:** RE: Re: BPTS Special Meeting Reminder

Portola Valley Town Council -

Unanimous, BPTS committee voted to change committee start time from 8:15 am to 8:00am in order to accommodate and ever increasing agenda. It is the committee's request that Council approve a revised charter reflecting this new start time.

Regards,  
sm

Stephen Marra

[srmarra@sbcglobal.net](mailto:srmarra@sbcglobal.net)

1 650 676 0511

Starships were meant to fly

## **Bicycle, Pedestrian & Traffic Safety Committee**

### **OBJECTIVES**

To foster a community for all users of the public roads. To advise the Town in ways and means for safer conditions regarding motor vehicles, bicycles, pedestrians and road conditions. To encourage proper traffic enforcement. To encourage safe and enjoyable bicycling in Portola Valley as a means of transportation and recreation.

### **DUTIES AND FUNCTIONS**

1. Respond to and meet with citizens who have expressed their concerns over traffic safety.
2. Recommend to the Council policies that improve traffic safety in Town.
3. Inform and advise the Town Staff, Town Council, Commissions and Committees on traffic and bicycling matters.
4. Evaluate General Plan Policies relating to bicycle, pedestrian and traffic safety and to make recommendations for changes in and/or implementation of these policies.
5. Promote and support local programs for bicycle, pedestrian, and traffic safety, such as the coalition for the "Safe Routes to School" program.
6. Promote safety through public education. Educate children and the general public in State law pertaining to bicycling and traffic safety practices.
7. Make recommendations for signage that improves safety.
8. Coordinate regional planning of Town bicycling facilities and programs with surrounding communities and San Mateo County.

### **RESPONSIBLE TO:**

The Town Council

### **COORDINATION:**

Police Commissioner  
Public Works Director  
Sheriff's Office

### **MEMBERSHIP**

No more than eleven members, each appointed for one-year terms by the Mayor with Council concurrence. Rotating Chair and Vice Chair selected by Committee.

### **MEETINGS**

Regular meetings are to be held on the first Wednesday of each month at ~~8:15~~ 8:00 a.m.



# MEMORANDUM

## TOWN OF PORTOLA VALLEY

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

**FROM:** Nick Pegueros, Town Manager

**DATE:** December 12, 2012

**RE:** **Town Council Meeting Schedule: December 2012 and January 2013**

Upon review of the Town's holiday schedule and consideration of special meetings required in January 2013, I recommend that the Town Council consider the following modifications to the meeting schedule:

- 1. Cancel the regular meetings on December 26<sup>th</sup> and January 9<sup>th</sup>**  
In consideration of the Town Hall closure from Monday, December 24<sup>th</sup> through Tuesday, January 1st, I recommend that the Council consider cancelling its regularly scheduled meetings on December 26, 2012 and January 9, 2013. If an urgent business item arises, the Mayor may always call a special meeting.
- 2. Schedule a Joint Study Session with the Planning Commission on either January 23<sup>rd</sup> or January 30<sup>th</sup>**  
As directed at the September 26, 2012 meeting of the Town Council, I recommend that the Council schedule a special meeting to hold a joint study session with the Planning Commission. The purpose of the meeting is to discuss the General Plan's "meadow preserve" provisions. It is recommended that the meeting **begin at 6:00 PM.**
- 3. Schedule a Joint Meeting with the Emergency Preparedness Committee (EPC) on January 30<sup>th</sup>**  
Consistent with past practice of holding a special meeting whenever there's a 5<sup>th</sup> Wednesday in the month to discuss emergency preparedness issues, I recommend that the Council schedule a special meeting on January 30, 2013 to meet with the EPC. One item on that agenda will be a demonstration of the Town's new emergency AM radio broadcast system.

Advance notice of the meeting cancellations and special meetings allows members of the Town Council, committee members, the public, and Town staff the opportunity to plan accordingly.



#9

There are no written materials for this agenda item.

# TOWN COUNCIL WEEKLY DIGEST

Friday – November 30, 2012

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- ☐ 1. Agenda – Teen Committee – Sunday, December 2, 2012
- ☐ 2. Agenda – Special Sustainability Committee – Monday, December 3, 2012
- ☐ 3. Agenda – Bicycle, Pedestrian & Traffic Safety Committee – Wednesday, December 5, 2012
- ☐ 4. Agenda – Planning Commission – Wednesday, December 5, 2012
- ☐ 5. Action Agenda – Special Town Council – Wednesday, November 28, 2012
- ☐ 6. Press Release – Blue Oaks Lots Purchase Agreement – Saturday, November 17, 2012
- ☐ 7. Town Center Events - December 2012
- ☐ 8. December 2012 Town Meeting Schedule
- ☐ 9. Notice of Closure for Town Hall – Monday, December 24 through Tuesday, January 1, 2013
- ☐ 10. Letter from Rosanne Foust seeking re-appointment to South County Seat for the Transportation Authority – November 16, 2012
- ☐ 11. Letter from Jeffrey Gee seeking re-appointment to Southern Judicial District seat for SamTrans – November 20, 2012
- ☐ 12. Letter from Richard Garbarino seeking appointment to Metropolitan Transportation Commission – November 20, 2012
- ☐ 13. Letter from Mayor Derwin to Congresswoman Eshoo re: Excessive Noise from Low-flying Aircraft in the South Bay – November 30, 2012
- ☐ 14. Memo from Town Manager, Nick Pegueros re: – Weekly Update – Friday, November 30, 2012

### **Attached Separates (Council Only)**

- ☐ 1. Invitation to attend City of Foster City's Council Reorganization on Monday, December 3, 2012
- ☐ 2. Invitation to attend HIP Housing's Holiday Party on Thursday, December 6, 2012
- ☐ 3. Invitation to attend City of Hillsborough's Council Reorganization on Monday, December 10, 2012
- ☐ 4. Invitation to attend City of Belmont's Council Reorganization on Tuesday, December 11, 2012
- ☐ 5. Invitation to attend City of Millbrae's Council Reorganization on Tuesday, December 11, 2012
- ☐ 6. Invitation to attend City of Pacifica's Council Reorganization on Wednesday, December 12, 2012
- ☐ 7. Request for support from *CASA of San Mateo County* - November 16, 2012
- ☐ 8. *Service Matters* – ABAG, November-December 2012, Issue No. 121
- ☐ 9. *Risk Matters* – ABAG PLAN, Fall 2012 Issue

**TOWN OF PORTOLA VALLEY****Teen Committee Meeting****Sunday, December 2, 2012 - 4:00 PM****Buckeye Room in the Community Hall****765 Portola Road, Portola Valley, CA 94028**

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**AGENDA**

1. Call to Order. Welcome.
2. Oral Communications
3. Approval of minutes from November meeting
4. Dance on Friday, December 14. Make posters to publicize dance – include that it is a “Dance for Sandy” and that donations for hurricane Sandy will be accepted. Also add that we will be collecting food or new toys to donate to Shelter Network for local support.  
  
Planning: DJ Will has been hired  
Decorations?  
Refreshments: water (bottles?), chips/snacks – Sharon to pick up
5. More social events: Another casual Friday movie night at the library in winter – agreed a holiday theme if done in January. Sharon to report on Kathryn/library availability.
6. Bill and Jean Lane Civic Involvement Project. Agreed that we will schedule the January meeting to coincide with a Town Council meeting on below market rate housing.
7. Fyi – <http://www.icivics.org/> is a new site set up with former Supreme Court Justice Sandra O’Connor’s support to encourage middle school students to learn about government. We can perhaps play with this – and then can think if there are ways we might use it for our project?
8. Outreach for CM members: Katherine to speak to leadership at CM, Sharon to put in Tuesday Post – need 6 & 7 graders and a parent to help.
9. Adjournment



**TOWN OF PORTOLA VALLEY**  
**Special Sustainability Committee Meeting**  
**Monday, December 3, 2012 3:30 PM**  
**Community Hall – Alder Room**  
**765 Portola Road, Portola Valley, CA 94028**

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## **AGENDA**

1. Call To Order
2. Oral Communications
3. Committee Membership for 2013
4. Update on Programs
  - a. Acterra High Energy Homes Program
  - b. Energy Upgrade Portola Valley
  - c. Green Towns SunShares
  - d. Tuesday Harvest Speaker Series
  - e. Climate Action Plan and Greenhouse Gas Emissions Inventory
5. Update on Projects/Outreach
  - a. New Homeowner Engagement Program
  - b. Light Bulb Testing Kit
  - c. Detective Kit
  - d. Did You Consider Flyers
  - e. Smart Strip Guide
  - f. Green Home Tour
6. BECC Conference Recap
7. Thoughts on Program Direction & Committee Mission for 2013
8. Next Steps, Next Meeting Date & Reminders
  - a. Next Meeting on Monday, January 21, 2013
  - b. Movie – Bag It on Tuesday, December 11, 2012
  - c. Catalog Choice Program – <https://portolavalley.catalogchoice.org>
9. Announcements
  - a. Reusable Bag Ordinance - Town Council Meeting on Wednesday, December 12, 2012
10. Adjournment by 5:00 p.m.



**TOWN OF PORTOLA VALLEY**  
**Bicycle, Pedestrian and Traffic Safety**  
**Committee**  
**Wednesday, December 5, 2012 – 8:00 AM**  
**Historic Schoolhouse**  
**765 Portola Road, Portola Valley, CA**

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**AGENDA**

1. Call meeting to order
2. Roll Call
3. Oral Communications
4. Approve Minutes from 11/7/12 (regular) & 11/27/12 (special) meetings
5. Bike Lanes Recommendation
  - a. Vote to widen with no official bike lane striping
  - b. Vote to do nothing
  - c. Vote to implement bike lanes
  - d. Vote to establish priority areas
  - e. Vote to create a general bicycle and pedestrian plan
6. One Bay Area Grant (OBAG) Application
  - a. Safe Routes to School trails: Alpine and Corte Madera
  - b. Crosswalk enhancements
  - c. Education / outreach
  - d. Vote to approve above items for grant
7. Law Enforcement
  - a. Sheriff's Report
  - b. Follow up on priority areas
8. Roster for 2013
9. Adjournment



**TOWN OF PORTOLA VALLEY**  
**REGULAR PLANNING COMMISSION MEETING**  
**765 Portola Road, Portola Valley, CA 94028**  
**Wednesday, December 5, 2012 – 7:30 p.m.**  
**Council Chambers (Historic Schoolhouse)**

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**AGENDA**

**Call to Order, Roll Call**

Commissioners Gilbert, McIntosh, McKitterick, Chairperson Von Feldt, and Vice-Chairperson Zaffaroni

**Oral Communications**

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

**Regular Agenda**

1. *Public Hearing:* Request for Deviation from Town Resolution 2506-2010 and Variance Request X7E-134, 169 Wayside Road, Rollefson
2. *Public Hearing:* Application for amendment to Conditional Use Permit (CUP) X7D-30 for parcel merger and expansion of athletic fields with new track and artificial turf infill at 302 Portola Road, Woodside Priory School, and draft Initial Study/Mitigated Negative Declaration

**Commission, Staff, Committee Reports and Recommendations**

**Approval of Minutes:** November 7, 2012

**Adjournment:**

**ASSISTANCE FOR PERSONS WITH DISABILITIES**

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Technician at 650-851-1700 ext. 211. Notification 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting.

**AVAILABILITY OF INFORMATION**

Any writing or documents provided to a majority of the Town Council or Commissions regarding any item on this agenda will be made available for public inspection at Town Hall located 765 Portola Road, Portola Valley, CA during normal business hours.

Planning Commission Agenda  
December 5, 2012  
Page Two

Copies of all agenda reports and supporting data are available for viewing and inspection at Town Hall and at the Portola Valley branch of the San Mateo County Library located at Town Center.

**PUBLIC HEARINGS**

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

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This Notice is posted in compliance with the Government Code of the State of California.

Date: November 30, 2012

CheyAnne Brown  
Planning Technician

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# TOWN OF PORTOLA VALLEY

**6:30 PM – Special Town Council Meeting**

**Wednesday, November 28, 2012**

**Historic Schoolhouse**

**765 Portola Road, Portola Valley, CA 94028**

## **ACTION AGENDA**

### **6:30 PM – CALL TO ORDER AND ROLL CALL**

Councilmember Aalfs, Mayor Derwin, Councilmember Driscoll, Vice Mayor Richards, Councilmember Wengert

**All present**

### **ORAL COMMUNICATIONS - None**

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.

- (1) **PRESENTATION** – Oral Report from Public Works Director on the Towns Current Roadway Network Pavement Condition

**Following presentation by Public Works Director Howard Young, Council commended him for excellent management of Town's roads.**

- (2) **PLANNING COMMISSIONER INTERVIEWS AND APPOINTMENTS**

1. Kelley, Tom
2. Lee, Terry
3. Pierce, Andrew
4. Reimund, Darci
5. Targ, Nicholas
6. Gilbert, Denise
7. McKitterick, Nate
8. Von Feldt, Alex

**Following tally of paper ballots, the Council re-appointed incumbent Planning Commissioners Gilbert, McKitterick and Von Feldt to four-year terms expiring January 2017. In addition, Nicholas Targ was appointed to fill the term expiring in January 2016.**

- (3) **ASCC COMMISSIONER INTERVIEWS AND APPOINTMENTS**

1. Dyson, Tim
2. Lee, Terry
3. Pedersen, Elin
4. Plunder, Marianne
5. Ross, David
6. Wilson, Jane
7. Breen, Danna
8. Hughes, Craig
9. Warr, Carter

**Following tally of paper ballots, the Council re-appointed incumbent ASCC Commissioners Breen and Hughes and appointed David Ross to four-year terms expiring January 2017.**

### **CONSENT AGENDA**

The following items listed on the Consent Agenda are considered routine and approved by one roll call motion. The Mayor or any member of the Town Council or of the public may request that any item listed under the Consent Agenda be removed and action taken separately.

- (4) **Approval of Minutes** – Regular Town Council Meeting of November 14, 2012

**Approved as Amended 4-0-1**

- (5) **Approval of Warrant List** – November 28, 2012



- (6) **Recommendation by Acting Administrative Services Director** – Resolution Concerning Citizens' Option for Public Safety (COPS) Funding 2012-2013
- (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Continuing the Supplemental Law Enforcement Services Fund through Citizens Options for Public Safety Program and Maintaining a separate Budget Account for 2012-2013 Fiscal Year (Resolution No. \_\_)
- (7) **Recommendation by Mayor** – Town Manager Employment Agreement
- (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Approving and Authorizing Execution of Amendment No.1 to the Town Manager Employment Agreement Between the Town of Portola Valley and Nicholas Pegueros (Resolution No. \_\_)

**Items 5, 6, and 7 Approved 5-0**

**REGULAR AGENDA**

- (8) **Recommendation by Town Attorney** - Resolution Concerning Sale of Town-Owned Property
- (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley of its Finding and Intention to Sell 3 and 5 Buck Meadow Drive Pursuant to Government Code 37420 et seq (Resolution No. \_\_)

**Approved 5-0**

- (9) **Discussion and Council Action** - Report by Town Planner requesting response to CJW Architecture request made on behalf of Ryland Kelley for review and approval of Driveway and Bridge Plans, Ford Field Access Easement

**Council approved response 5-0**

- (10) **Recommendation by Acting Administrative Services Director** – Review of Basic Financial Statements and Memorandum on Internal Control for FYE 06/30/12

**Council accepted Financial Statements 5-0**

**COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS**

- (11) **Discussion and Council Action** – Vic Schachter with proposed draft letter to Congressman Eshoo regarding Aircraft Noise

**Mayor Derwin, Council Member Aalfs and Town Manager Pegueros will work together to produce final draft of letter.**

- (12) **Reports from Commission and Committee Liaisons**

*There are no written materials for this item.*

**Councilmember Aalfs – The ASCC discussed a new garden that the Woodside Priory is implementing.**

**Councilmember Driscoll – Nothing to report.**

**Councilmember Wengert – The Bicycle, Traffic & Pedestrian Committee discussed bicycle lanes and expects to vote on this issue at their next regularly scheduled meeting on December 5.**

**Vice Mayor Richards – Nothing to report.**

**Mayor Derwin – Presented a short, well received speech to the U.S. Green Building Council about how the new Town Center has transformed the site and contributed to the spirit of community on Saturday, Nov 17. The PVTC was the second stop on a three-site USGBC tour of LEED certified buildings on the mid-Peninsula on the 17th.**

**San Mateo County Board of Supervisor Carole Groom was appointed to the California Coastal Commission by Speaker Perez. This is a tremendous honor for all of us in San Mateo County.**

**The SMC Council of Cities dinner in Pacifica on Friday, Nov 16th featured an interesting presentation on the Devil's Slide Tunnel and 70-acre public recreation area, all of which will open in early 2013.**

**WRITTEN COMMUNICATIONS**

- (13) **Town Council Weekly Digest** - November 16, 2012 - None

**ADJOURNMENT – 10:45 pm**

**ASSISTANCE FOR PEOPLE WITH DISABILITIES**

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

**AVAILABILITY OF INFORMATION**

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

**SUBMITTAL OF AGENDA ITEMS**

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

**PUBLIC HEARINGS**

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

# Town of Portola Valley

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

## **PRESS RELEASE**

**November 17, 2012**

The Town of Portola Valley has reached an agreement to sell 3 and 5 Buck Meadow Drive to the Buck Meadow LLC for the full asking price of \$2.88 million contingent on Town Council approval. The Town Council will hold a public hearing regarding the sale of these Town-owned lands on December 12, 2012 prior to ratifying the purchase agreement. "If approved by the Town Council, this sale will allow the town to get past a critical barrier that has prevented it from fulfilling its general plan commitments to provide affordable housing as a condition of the Blue Oaks development," said Town Planner Tom Vlastic.

### History of Blue Oaks Lots

The lots being sold in the Blue Oaks subdivision were granted to the Town by the developer in 1999 for moderate income housing. In order to comply with the Town's inclusionary housing ordinance which was adopted in 1991, the Blue Oaks developer made several efforts to build eight moderate income housing units in Blue Oaks subdivision. In 1999, unsuccessful in their efforts to build the affordable housing, the developer conveyed the lots at Blue Oaks set aside for the moderate income units to the Town.

After extensive conversations with five affordable housing partners as well as consideration of alternative locations within the Blue Oaks subdivision, the Town determined that the development of eight moderate income housing units was not economically feasible on the Blue Oaks land. It was therefore determined that the Town should investigate alternative options that would result in the construction of affordable units.

In 2009, the Town adopted an update to the Housing Element of the Town's General Plan. This planning document is mandated by the State of California to identify strategies to meet the Town's regional housing allocations. Considering the exhaustive efforts to build affordable housing at Blue Oaks first by the Blue Oaks developer and continued by the Town, the adopted Housing Element included an option of selling the Town's land in Blue Oaks so that the Town could pursue affordable housing at another site. The Town's Blue Oaks lots (3 and 5 Buck Meadow Drive) were listed for sale in September 2012.

#### Purchase of the former Al's Nursery, 900 Portola Road

In June 2012, the Town announced its intent to purchase 900 Portola Road as a potential site for construction of the Housing Element required moderate income housing units. To fund the purchase of 900 Portola Road for such housing, the Town would use proceeds from the sale of the Blue Oaks lots. While the feasibility of constructing affordable housing at 900 Portola Road is not certain, the site presents more opportunities for development and management by an affordable housing entity than is the case with the Blue Oaks land.

However, a recent notice from the County of San Mateo regarding progress on the hazardous material cleanup of the former Al's Nursery site has raised concerns that may impact the Town's purchase of the property. Town representatives are working closely with the sellers of 900 Portola Road to better understand this new information.

#### Next Steps

The sale of the Town's lots at Blue Oaks provides the opportunity to make significant progress towards meeting the Town's Housing Element obligations. The Town Council will consider amending the PUD Statement for Blue Oaks and the sale of the lots to Buck Meadow LLC at their meeting on December 12, 2012. Interested members of the public will have the opportunity to comment before the Council takes final actions. If the Council approves the sale, net proceeds will be deposited in the Town's restricted Inclusionary Housing Fund and can only be used to facilitate the construction of for-sale moderate income affordable housing units.

#### **For more information, please contact:**

Nick Pegueros, Town Manager  
650/851-1700 x215 or [npegueros@portolavalley.net](mailto:npegueros@portolavalley.net)

--End--



# MEMORANDUM

## TOWN OF PORTOLA VALLEY

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**TO:** San Mateo County Sheriff's Department  
**FROM:** Sharon Hanlon  
**DATE:** November 27, 2012  
**SUBJ:** Town Center Reservations for December 2012

Following is the current schedule of events for the Town Center and surrounding area for December 2012.

**December 1: Holiday Craft Faire / Historic Schoolhouse / 10:00 am to 4:00 pm**

**December 24 through January 1: Town Hall Closed for Christmas and New Year's Holidays**

# Town of Portola Valley

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

## DECEMBER 2012 MEETING SCHEDULE

Note: **Unless otherwise noted below and on the agenda, all meetings take place in the Historic Schoolhouse**, located at 765 Portola Road, Portola Valley, CA

TOWN COUNCIL – 7:30 PM (Meets 2<sup>nd</sup> & 4<sup>th</sup> Wednesdays)

Wednesday, December 12, 2012

Wednesday, December 26, 2012 - **CANCELLED**

PLANNING COMMISSION – 7:30 PM (Meets 1<sup>st</sup> & 3<sup>rd</sup> Wednesdays)

Council Liaison – Ann Wengert (for months Oct, Nov & Dec)

Wednesday, December 5, 2012

Wednesday, December 19, 2012

ARCHITECTURAL & SITE CONTROL COMMISSION - 7:30 PM (Meets 2<sup>nd</sup> & 4<sup>th</sup> Mondays)

Council Liaison – Jeff Aalfs

Monday, December 10, 2012

Monday, December 24, 2012 - **CANCELLED**

BICYCLE, PEDESTRIAN & TRAFFIC SAFETY COMMITTEE (Meets 1<sup>st</sup> Wednesday of every month)

Council Liaison – Ann Wengert

Wednesday, December 5, 2012

CABLE TV COMMITTEE – 8:15 AM (Meets 2<sup>nd</sup> Thursday) alternate odd numbered months

Council Liaison – Ted Driscoll

COMMUNITY EVENTS COMMITTEE

Council Liaison – Maryann Derwin

Tuesday, December 18, 2012 – 4:00PM / Schoolhouse

CONSERVATION COMMITTEE – 7:45 PM (Meets 4<sup>th</sup> Tuesday)

Council Liaison – John Richards

Tuesday, December 25, 2012 - **CANCELLED**

CULTURAL ARTS COMMITTEE – (Meets 2<sup>nd</sup> Thursday of every month)

Council Liaison – John Richards

Thursday, December 13, 2012 at 1:00 PM (Special meeting location – Alder Room of Community Hall)

EMERGENCY PREPAREDNESS COMMITTEE – 8:00 AM (Meets 2<sup>nd</sup> Thursday) in the EOC /

Conference Room at Town Hall

Council Liaison – John Richards

Thursday, December 13, 2012

FINANCE COMMITTEE

Council Liaison – Jeff Aalfs  
As announced

GEOLOGIC SAFETY COMMITTEE – 7:30 PM

Council Liaison – Ted Driscoll  
As announced

HISTORIC RESOURCES COMMITTEE

Council Liaison – Jeff Aalfs

NATURE AND SCIENCE COMMITTEE – 4:00 PM (Meets 2<sup>nd</sup> Thursday) alternate even numbered months

Council Liaison – Jeff Aalfs  
Thursday, December 13, 2012

OPEN SPACE ACQUISITION ADVISORY COMMITTEE

Council Liaison – Jeff Aalfs

PARKS & RECREATION COMMITTEE – 7:30 PM (Meets 3<sup>rd</sup> Monday)

Council Liaison – Ann Wengert  
Monday, December 17, 2012 - **CANCELLED**

PUBLIC WORKS COMMITTEE

Council Liaison – Ted Driscoll  
As announced

SUSTAINABILITY COMMITTEE – 4:00 PM (Meets 3<sup>rd</sup> Monday)

Council Liaison – Maryann Derwin  
Monday, December 3, 2012 – Special meeting  
Monday, December 17, 2012 – Regular meeting **CANCELLED**

TEEN COMMITTEE

Council Liaison – Jeff Aalfs  
Sunday, December 2, 2012 – Buckeye Room of the Community Hall

TRAILS & PATHS COMMITTEE – 8:15 AM (2<sup>nd</sup> Tuesday of each month, or as needed)

Council Liaison – Ann Wengert  
Tuesday, December 11, 2012 – 8:15 AM



*In recognition of the Holiday Season*

# **PORTOLA VALLEY TOWN HALL WILL BE CLOSED**

*Monday, December 24<sup>th</sup>, 2012 through  
Tuesday, January 1<sup>st</sup>, 2013*

*We will return to our regular business hours on Wednesday,  
January 2<sup>nd</sup>, 2013.*

*In case of Emergency: Sheriff's Office: 911*



Mayor Alicia C. Aguirre  
Vice Mayor Jeffrey Gee

Council Members  
Ian Bain  
Rosanne S. Foust  
Jeff Ira  
Barbara Pierce  
John D. Seybert



1017 MIDDLEFIELD ROAD  
Redwood City, California 94063  
Telephone (650) 780-7220  
FAX (650) 261-9102  
[www.redwoodcity.org](http://www.redwoodcity.org)

November 16, 2012

Subject: Seeking Re-appointment to the South County Seat for the Transportation Authority (TA)

Honorable Mayors and Council Members,

Serving on the Transportation Authority (TA) has meant the privilege of working directly on addressing the entire county's transportation and transit needs, looking for ways to improve the network, expand on services, continue to support other critical services and to try new, innovative approaches. My goal has been to serve the whole county with fairness and equity.

One hallmark of the TA is the leveraging of the county's tax revenues to obtain matches in federal and state funds that more than double the financial reach of the Authority.

In the past two years, the following has been accomplished:

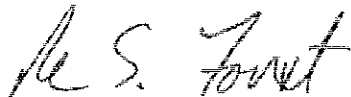
- Approved more than \$82 million for 23 highway projects that address, big and small, the most pressing traffic congestion bottlenecks in the county, including the Highway 101/Broadway interchange.
- Address other traffic issues on our most critical highway, the Bayshore, through an auxiliary lane program that shortly will extend the length of the county and is a proven method for reducing congestion and by undertaking and expanding a ramp metering program.
- A critical source of operating and capital funds for Caltrain – more than \$10 million in operating funds over two years, and an equivalent amount in capital funds.
- Approved \$4.5 million in bike and pedestrian programs throughout the county.

- Further leveraging Measure A funds in essential partnerships with C/CAG, which is frequently a funding partner in many of the key projects, providing an exponential increase in the impact of the funds; and as a major funding source for the programs of the Peninsula Congestion Relief Alliance and that organization's innovative programs, including implementation of an employer and community outreach program, direct marketing and communication with commuters, emergency ride home programs, vanpool and carpool formation/incentive programs, and Bike to Work Day programs.
- A funding partner in the historic regional agreement to fund Caltrain modernization and electrification, helping to assure that this service is alive and thriving for future generations, while also providing a significant measure of local oversight and control.
- Approved a \$4.5 million program to fund community and employer shuttles, enhancing the network of transit.
- Looking ahead, we have issued a call for letters of intent from communities that will want Caltrain grade separations, a means by which to influence the future look and feel of our county.
- Approved funding for a series of pilot projects, including Senior Mobility, bike-sharing, car-sharing and other innovative transit options.

The TA is where we put into motion our hopes and desires for a transportation and transit network that builds for the future, where new ideas can be tried, and our infrastructure is sustained and improved. Bridges are being rebuilt, roads improved and traffic congestion reduced.

I respectfully ask for your vote to be re-appointed to the South County Seat of the Transportation Authority to continue serving with expertise, dedication, and commitment.

Sincerely,



Rosanne Foust,  
Council Member, Redwood City

C: City Council, Redwood City

Mayor Alicia C. Aguirre  
Vice Mayor Jeffrey Gee  
Council Members  
Ian Bain  
Rosanne S. Foust  
Jeff Ira  
Barbara Pierce  
John D. Seybert



City Hall  
1017 Middlefield Road  
Redwood City, CA 94063  
Voice: (650) 780-7220  
fax: (650) 261-9102  
mail@redwoodcity.org  
www.redwoodcity.org

November 20, 2012

Re: City Selection Committee  
SamTrans – Southern Judicial District Appointment

Honorable Mayors, Council Members and Designees:

It has been my honor to serve these past few months on SamTrans Board of Directors fulfilling the remainder of the term left vacant with the tragic loss of our friend Omar Ahmad.

**I am writing to express my interest in being reappointed to the Southern Judicial District seat at SamTrans at the December 14, 2012 Council of Cities meeting in Colma.**

SamTrans is an integral part of our community, providing transportation and mobility for many of our county's most vulnerable and geographically constrained residents. Along with the District's sister transit agencies, the vitality and well-being of public transportation has a direct impact on the quality of life for all our residents.

During my few months on the Board, I have served on the Finance and Legislative Committees, and I am currently serving as the Chair of the Finance Committee. In addition, I serve on the SamTrans Service Plan (SSP) Committee, working with colleagues and staff to optimize our current service in the County, and to provide these services within our existing financial resources.

The major goals and challenges facing SamTrans in the next few years include:

- Optimizing mobility services within San Mateo County;
- Ensuring adequate service is provided to every community;
- Becoming a financially sustainable organization;
- Preparing for the transit needs of the future.

These goals and challenges are intricately woven together and will require common sense solutions, careful oversight, firm decision-making, partnering with our communities, leveraging programs with other transit agencies, and hard work.

Only through regional cooperation and respect for the similarities and differences of each community, will we be able to collectively continue to provide vital transportation services for all San Mateo County residents.

I believe I have successfully hit the ground running these past few months to become a valuable board member. My demonstrated participation as a board member, combined with my elected and professional experience, capabilities, focus and work ethic will enable me to address the issues at hand, and continue to make a difference for our future.

Thank you for your consideration and for your support.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Jeffrey Gee', with a stylized, cursive script.

Jeffrey Gee, Vice Mayor  
City of Redwood City

C: Alicia Aguirre, Mayor  
Members, City Council, City of Redwood City  
Becky Romero, Secretary, City Selection Committee



RICHARD A. GARBARINO, MAYOR  
PEDRO GONZALEZ, VICE MAYOR  
MARK ADDIEGO, COUNCILMEMBER  
KARYL MATSUMOTO, COUNCILMEMBER  
KEVIN MULLIN, COUNCILMEMBER  
  
BARRY M. NAGEL, CITY MANAGER

OFFICE OF THE MAYOR

November 20, 2012

Dear San Mateo County Mayors and Council Members:

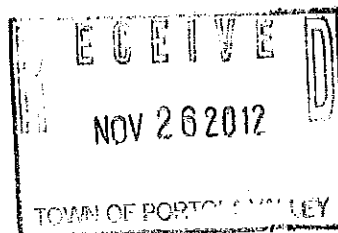
I am seeking the appointment to the vacant Metropolitan Transportation Commission (MTC) seat which expires in 2015. I have served the cities and the County of San Mateo efficiently and effectively on various boards and committees, including as current Chairperson of the Peninsula Traffic Relief Alliance and Vice Chair of CMEQ. I also served as a member of the BPAC. In the private sector, I have served as the Transportation Coordinator and Planner for tenants at NewPark Mall in Newark, CA, as well as a member of the South San Francisco Citizens' Advisory Board for BART.

I am very familiar with the transportation issues that San Mateo County and its cities must address, and am confident that the experience and common sense approach to issues that I would bring to MTC will be beneficial to the residents of our cities and county.

I respectfully ask for your support for this appointment.

Yours truly,

Richard A. Garbarino, Mayor  
City of South San Francisco



# TOWN of PORTOLA VALLEY

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

November 30, 2012

The Honorable Anna G. Eshoo  
House of Representatives  
205 Cannon House Office Building  
Washington, D.C. 20515

Re: Excessive Noise from Low-flying Aircraft in the South Bay

Dear Congresswoman Eshoo:

On behalf of the Town Council of the Town of Portola Valley, I am writing to request your assistance in our continuing efforts to address aircraft noise over Portola Valley. We very much appreciate the efforts of you and your staff over the past year.

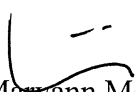
Based on the information described in the background attachment to this letter, we respectfully request your assistance in seeking answers from the FAA on the following questions:

1. Is the FAA working to lower the number of excessive aircraft noise events over our communities?
2. Will the FAA consider the input of local communities that will be affected by the new flight paths resulting from OAPM?
3. Will the FAA environmental assessment be subject to public comment?

We also request that you hold another meeting with the FAA, SFO and representatives of Portola Valley, Woodside and other interested South Bay communities, to discuss exactly how they will proceed with an environmental assessment, and to respond to the other questions we have raised.

We sincerely appreciate your efforts and time on the issue of excessive aircraft noise over the South Bay, particularly in light of other worthy matters competing for your attention. The continuing problem of low flying aircraft noise in our community, combined with projected growth in the number of flights and the proposed FAA changes in aircraft flight paths over our communities, could drastically affect our quality of life. Thank you for your continued involvement.

Very truly yours,

  
Maryann Moise Derwin  
Mayor

Attachment

cc: Mr. Roderick Bersamina (via e-mail)

Background:

The meetings you conducted as follow up to our November, 2011 letter were very helpful; Rod Bersamina of your office has been actively and positively involved in aircraft noise issues, and as a direct result of your efforts, we obtained additional information from SFO's Noise Abatement Office (NAO) about aircraft noise in our community. Most importantly, at meetings you chaired, we received assurances from FAA representatives that the FAA will consider our concerns and will attempt to mitigate aircraft noise levels.

Despite your efforts and those of your staff, aircraft noise levels have not significantly improved. Further, due to new information, we believe the problem is likely to worsen:

- Air traffic at SFO is projected to increase by at least 10 percent over the next year alone.
- The FAA intends to implement a drastic overhaul of commercial aircraft arrival and departure procedures for SFO and OAK that will exacerbate the problem.

The FAA gave a presentation on Optimization of Airspace and Procedures in the Metroplex ("OAPM"). OAPM is an effort to improve efficiencies in the airspace over Northern California by optimizing arrival and departure procedures at the airports serving that area: SFO, OAK, Mineta San Jose International Airport and Sacramento International Airport. The project is part of the implementation of the Next Generation Air Travel System (NextGen), and according to the FAA's NorCal OAPM website, "may involve changes in aircraft flight paths and altitudes." The FAA announced that it is currently in the design and implementation stage of the OAPM process for Northern California, with the process expected to be completed in 2014.

OAPM is intended to reduce fuel costs and carbon emissions. We applaud these objectives, but are concerned about the lack of public input being solicited by the FAA during its OAPM review. At the last Roundtable, the FAA acknowledged that potentially affected communities will not be consulted, and that they are "not designing OAPM around noise issues." The concentration of flight tracks will necessarily increase noise in communities under those tracks, and it is imperative that local communities be involved in decisions affecting flight paths over the South Bay. The FAA also stated that it would conduct an environmental assessment, expected in late 2013, before finalization of OAPM. It is unclear if this assessment will be subject to public comment.



# MEMORANDUM

## TOWN OF PORTOLA VALLEY

TO: Mayor and Members of the Town Council  
FROM: Nick Pegueros, Town Manager  
DATE: November 30, 2012  
RE: Weekly Update

The purpose of this report is to provide a summary update on items/projects of interest for the week ended November 30, 2012.

1. **Noticing for Public Hearings on Blue Oaks** – Staff posted notices of the two public hearings related to Blue Oaks scheduled for December 12<sup>th</sup>. Hard copy notices were mailed to all Blue Oaks property owners and approximately 70 additional individuals around town who have expressed interest in the Town's activity at the site. Notices are also published in the newspaper, posted at the three public notice spots around town and a special announcement was posted to the website (see attached). Finally, as required by government code, three notices of the hearing related to the sale of the Blue Oaks lots were posted at each site (total of 12 notices).
2. **Meeting with Keep PV Rural members** – John Richards, Jeff Aalfs, Sandy Sloan, Tom Vlastic and I met with 15 members of Keep PV Rural on Thursday to discuss their concerns. Based on the feedback received at the meeting, town staff will work to prepare a responsive presentation to core questions raised.
3. **Storm Preparation and Response** – Kudos to Howard and his team for their preparation in advance of these storms and their dedicated effort to address complications related to the storm. There was an unexpected water intrusion in Town Hall resulting from blocked drainage on the west side of the building.
4. **Windmill School Requested a Pre-Application Meeting with Staff** – Windmill School provided the Town with information on a proposed campus on nearly an acre at the former Jelich Ranch site. Windmill has paid a deposit that will be used to offset staff costs incurred as part of the review.



**TOWN OF PORTOLA VALLEY  
NOTICE OF A TOWN COUNCIL PUBLIC HEARING ON  
PLANNING COMMISSION APPROVAL OF  
AMENDMENTS TO  
PLANNED UNIT DEVELOPMENT (PUD) X7D-137  
AND LOT LINE ADJUSTMENT X6D-214  
BLUE OAKS SUBDIVISION  
LOTS 23 THROUGH 26,  
3 AND 5 BUCK MEADOW DRIVE**

NOTICE IS HEREBY GIVEN that the Town Council of the Town of Portola Valley will conduct a public hearing at 7:30 p.m. on December 12, 2012 on the November 7, 2012 Planning Commission actions amending the Blue Oaks PUD and approving the associated Lot Line Adjustment (LLA) to implement the proposed PUD amendments. The Planning Commission approvals would remove references to below market rate housing, reduce the number of parcels in the residential area owned by the town, i.e., 3 and 5 Buck Meadow Drive (APNs: 080-240-230, -240, -250, and -260), from four (4) to two (2) and make other changes to accommodate market rate housing on one or both of the adjusted parcels.

NOTICE IS HEREBY GIVEN that pursuant to provisions of the zoning ordinance, on November 14, 2012 the Town Council reviewed the November 7, 2012 Planning Commission actions as presented with the November 14, 2012 report from the Town Planner and determined that before the actions become effective, it was appropriate to conduct a Town Council public hearing on them as provided for under Section 18.78.120 of the zoning ordinance and set forth in this notice.

NOTICE IS HEREBY GIVEN that at the conclusion of the December 12, 2012 public hearing the Town Council will determine whether or not to uphold the approvals of the Planning Commission or take other actions consistent with findings from review of the Planning Commission record and the public hearing. All reports, plans and documents associated with the project and November 7, 2012 Planning Commission approvals are available for review in the Portola Valley Planning Department at 765 Portola Road, Portola Valley, California.

All interested persons are invited to appear before the Town Council at the time above-mentioned. The public hearing will be conducted in the Historic School House meeting room at the town center, 765 Portola Road. If someone challenges an action on the public hearing matters in court, he or she may be limited to raising only those issues raised at the public meetings conducted on the proposal or in written correspondence delivered to the town at or prior to the public meetings.

Dated: November 15, 2012  
Signed: Sharon Hanlon, Town Clerk

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PORTOLA VALLEY OF ITS FINDING AND INTENTION TO SELL 3 AND 5 BUCK MEADOW DRIVE PURSUANT TO GOVERNMENT CODE SECTION 37420 ET SEQ.**

**WHEREAS**, the Town of Portola Valley ("Town") owns the property located at 3 and 5 Buck Meadow Drive (APNs 080-340-230, -240, -250 and -260) ("Property"); and

**WHEREAS**, the developer of the Blue Oaks subdivision deeded the Property to the Town pursuant to the Town's inclusionary lot requirements for the purpose of developing eight for-sale moderate income units; and

**WHEREAS**, the Town has determined, with input from experienced affordable housing developers, that an eight unit for-sale moderate income housing project on the Property is infeasible; and

**WHEREAS**, the Town's certified Housing Element contemplates the sale of the Property and purchase of land in an alternative location in Town for affordable housing; and

**WHEREAS**, the Town is in contract, contingent upon the sale of the Property, to purchase 900 Portola Road that appears more suitable for the development of affordable housing; and

**WHEREAS**, even if the Town determines not to build affordable housing in this alternative location, the funds from the sale of the Property will be set aside for another alternative location or for the purposes of affordable housing; and

**WHEREAS**, California Government Code Sections 37420 through 37430 authorize the Town to sell Town-owned property.

**IT IS HEREBY RESOLVED** by the Town Council of the Town of Portola Valley as follows:

1. The public interest and convenience require the sale of the Property; and
2. The Town intends to sell the Property; and
3. A public hearing shall be held by the Town Council to hear any protests regarding the sale of the Property on December 12, 2012 at 7:30 p.m. in the Historic School House Meeting Room at the Town Center located at 765 Portola Road, Portola Valley, California or as soon thereafter as the matter may be heard; and
4. Notice of the hearing shall be provided by publication in a daily newspaper published and circulated in Town and notice shall be posted for not less than ten days in at least three conspicuous places upon each parcel of the Property; and

5. The Town Council shall take final action on the sale of the Property on December 12, 2012, following the public hearing.

**PASSED AND ADOPTED this 28<sup>th</sup> day of November, 2012.**

BY: Maryann Moise Derwin, Mayor

ATTEST: Sharon Hanlon, Town Clerk

# TOWN COUNCIL WEEKLY DIGEST

Friday – December 7, 2012

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- ☐ 1. Agenda – ASCC – Monday, December 10, 2012
- ☐ 2. Agenda – Trails and Paths Committee – Tuesday, December 11, 2012
- ☐ 3. Agenda – Emergency Preparedness Committee – Thursday, December 13, 2012
- ☐ 4. Agenda – Cultural Arts Committee – Notice of Cancellation - Thursday, December 13, 2012 meeting
- ☐ 5. Agenda – Nature & Science Committee – Thursday, December 13, 2012
- ☐ 6. Letter from Town Attorney Sandy Sloan, to newly appointed Planning Commissioner, Nicholas Targ, - Congratulations on appointment
- ☐ 7. Letter from Town Attorney Sandy Sloan, to newly appointed ASCC Commissioner, David Ross - Congratulation on appointment
- ☐ 8. Email from resident, Sally Ann Reiss to the Town Council, re: Opinion on Woodside Priory Application to install an all-season turf field
- ☐ 9. Letter from Gina Papan seeking appointment to the Metropolitan Transportation Commission – November 27, 2012
- ☐ 10. Letter from Rick Kowalczyk seeking appointment to the Metropolitan Transportation Commission – November 29, 2012
- ☐ 11. Letter from Clifford Lentz seeking appointment to the Metropolitan Transportation Commission – November 30, 2012
- ☐ 12. Letter from Jerry Deal seeking appointment to the Metropolitan Transportation Commission – December 5, 2012
- ☐ 13. Memo from Town Manager, Nick Pegueros re: – Weekly Update – Friday, December 7, 2012

## **Attached Separates (Council Only)**

- ☐ 1. Notice of Reorganization of the City Council of Colma held on December 4, 2012
- ☐ 2. Notice of Reorganization of the City Council of South San Francisco held on November 27, 2012
- ☐ 3. Notice of Reorganization of the City Council of Daly City held on December 3, 2012
- ☐ 4. Notice of Reorganization of the City Council of San Mateo held on December 3, 2012
- ☐ 5. Notice of Reorganization of the City Council of Foster City held on December 3, 2012
- ☐ 6. Midpeninsula Regional Open Space District – Winter 2012-2013
- ☐ 7. Estuary News – November 2012, Vol 21, No. 5
- ☐ 8. Western City – December 2012
- ☐ 9. San Mateo County Mosquito and Vector Control – District Report – October 2012



**TOWN OF PORTOLA VALLEY  
ARCHITECTURAL AND SITE CONTROL COMMISSION (ASCC)  
Monday, December 10, 2012  
Special Field Meeting (time and place as listed herein)  
7:30 PM – Regular ASCC Meeting  
Historic Schoolhouse  
765 Portola Road, Portola Valley, CA 94028**

**SPECIAL FIELD MEETING\***

2:00 p.m., 187 Bolivar Lane Afternoon session for preliminary review of the proposal for new residential redevelopment of a 3.1-acre Westridge Subdivision property. (ASCC review to continue at Regular Meeting)

3:00 p.m., 45 Tagus Court Afternoon session for preliminary review of plans for residential redevelopment of a 1.9-acre Alpine Hills parcel. (ASCC review to continue at Regular Meeting)

4:00 p.m., 10 Sioux Way Afternoon session for preliminary review of plans for new residential development of this 1.09-acre Arrowhead Meadows property. (ASCC review to continue at Regular Meeting)

**7:30 PM - REGULAR AGENDA\***

1. Call to Order:
2. Roll Call: Breen, Clark, Hughes, Koch, Warr
3. Oral Communications:

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

4. Old Business:
  - a. Continued Consideration - Architectural Review and Site Development Permit X9H-644, New Residence with Attached Garage and Workshop, 130 Golden Hills Drive, Rubin
5. New Business:
  - a. Preliminary Architectural Review for New Residence with Detached Guest House, Tennis Court and Related Site Improvements, and Site Development Permit X9H-646, 187 Bolivar Lane, Goldband
  - b. Preliminary Architectural Review for New Residence with Detached Guest House, Swimming Pool and Related Site Improvements, and Site Development Permit X9H-647, 45 Tagus Court, Kawaja

- c. Preliminary Architectural Review for New Residence with Detached Guest House, and Related Site Improvements, and Site Development Permit X9H-645, 10 Sioux Way, Clark

6. Approval of Minutes: November 26, 2012

7. Adjournment:

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\*For more information on the projects to be considered by the ASCC at the Special Field and Regular meetings, as well as the scope of reviews and actions tentatively anticipated, please contact Carol Borck in the Planning Department at Portola Valley Town Hall, 650-851-1700 ex. 211. Further, the start times for other than the first Special Field meeting are tentative and dependent on the actual time needed for the preceding Special Field meeting.

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**PROPERTY OWNER ATTENDANCE.** The ASCC strongly encourages a property owner whose application is being heard by the ASCC to attend the ASCC meeting. Often issues arise that only property owners can responsibly address. In such cases, if the property owner is not present it may be necessary to delay action until the property owner can meet with the ASCC.

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**WRITTEN MATERIALS.** Any writing or documents provided to a majority of the Town Council or Commissions regarding any item on this agenda will be made available for public inspection at Town Hall located 765 Portola Road, Portola Valley, CA during normal business hours.

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#### **ASSISTANCE FOR PERSONS WITH DISABILITIES**

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Technician at 650-851-1700, extension 211. 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 a proposed action(s) in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing(s) described later in this agenda, or in written correspondence delivered to the Planning Commission at, or prior to, the Public Hearing(s).

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This Notice is Posted in Compliance with the Government Code of the State of California.

Date: December 7, 2012

CheyAnne Brown  
Planning Technician



**TOWN OF PORTOLA VALLEY**  
**Trails and Paths Committee**  
**Tuesday, December 11, 2012 - 8:15 AM**  
**Historic Schoolhouse**  
**765 Portola Road, Portola Valley, CA**

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**AGENDA**

1. Call to Order
2. Oral Communications
3. Approval of Minutes from November 13, 2012
4. Financial Review
5. Old Business
  - a) Volunteer Event and/or Community Hike
6. New Business
  - a) Trail Work November 2012
  - b) Plantings and Bench along Dwight Crowder Trail
  - c) Priory Field Renovations
  - d) Letter regarding trail on Woods Property
  - e) Discussion of Proposal for Signage along Portola Road at Priory
7. Other Business
8. Adjournment

Enclosures:

Minutes from Regular Meeting of November 13, 2012  
Financial Review  
Letter regarding Woods Property Trail  
Communication on proposal for signage near Priory  
Trail work and map – November 2012



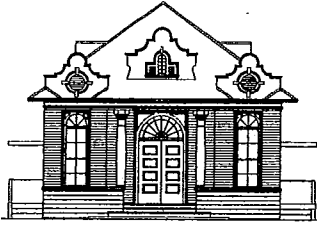
**TOWN OF PORTOLA VALLEY**  
**Meeting of the**  
**Emergency Preparedness Committee**  
**Thursday, December 13, 2012 - 8:00 AM**  
**EOC / Town Hall Conference Room**  
**765 Portola Road, Portola Valley, CA 94028**

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**AGENDA**

1. Call to order
2. Oral communications
3. Review and approve minutes of November meeting (minutes were unavailable at time of packet distribution and will be handed out at the meeting)
4. Meet and interview potential new committee member – Stuart Young
5. Review Emergency Broadcast (AM) Radio project
  - Review Council presentation from Wednesday, 12/12/12
  - General update
6. Discussion of 1/30/13 joint meeting with the Town Council
7. Discussion of Medical Corps
8. Subcommittee reports
9. Review of Goals for 2012
10. Other business
11. Adjourn promptly at 9 AM





**Town of Portola Valley**  
**Cultural Arts Committee Meeting**  
**Notice of Cancellation**  
**Thursday, December 13, 2012**

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**MEETING CANCELLATION NOTICE**

The regularly scheduled meeting of the Cultural Arts Committee for Thursday, December 13, 2012 at 1:00 p.m. has been cancelled.



**Town of Portola Valley**  
**Nature and Science Committee Meeting**  
**Thursday, December 13, 2012 – 4:00 pm**  
**Historic Schoolhouse**  
**765 Portola Road, Portola Valley, CA**

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**REGULAR MEETING AGENDA**

1. Call to Order
2. Oral Communications (Anyone wanting to address the Committee OR anyone wanting to speak on something that is not on the agenda)
3. Minutes of October 11, 2012 meeting
4. Reports:
  - Update on the Hawthorns
  - Geology Day
  - Star Party
5. Planning:
  - Leslie – Ice program December 18
  - Math program series
  - Other
6. Budget Report:
7. Action Items:
  - Allocate program funds as needed
  - Compile committee roster for 2013
  - Recommendation regarding Hawthorns
8. Publicity:
9. Other reports including Sub-Committee/Liaison Reports:
  - Sustainability Committee
  - Conservation Committee
  - Sudden Oak Death Study Group
10. Adjournment:
  - Next meeting date: February 14, 2013

JORGENSEN, SIEGEL, McCLURE & FLEGEL, LLP  
 ATTORNEYS AT LAW  
 1100 ALMA STREET, SUITE 210  
 MENLO PARK, CALIFORNIA 94025-3392  
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WILLIAM L. McCLURE  
 JOHN L. FLEGEL  
 MARGARET A. SLOAN  
 DAN K. SIEGEL  
 DIANE S. GREENBERG  
 JENNIFER H. FRIEDMAN  
 MINDIE S. ROMANOWSKY  
 DAVID L. ACH  
 LEIGH F. PRINCE

RETIRED  
 JOHN D. JORGENSEN  
 JOHN R. COSGROVE  
 MARVIN S. SIEGEL

NICOLAS A. FLEGEL  
 KRISTINA B. ANDERSON  
 WILLIAM R. BENNETT

December 5, 2012

Nicholas Targ  
 80 Hayfields Road  
 Portola Valley, CA 94028

Re: Appointment to Planning Commission

Dear Nicholas:

Congratulations on your recent appointment to the Town of Portola Valley Planning Commission.

I am enclosing for your information copies of booklets that summarize two of the most important laws that affect government officials – the Ralph M. Brown Act, requiring meetings to be “open and public” and the Political Reform Act setting out what is considered a conflict of interest.<sup>1</sup> As both of these laws are complicated and many different factual situations can arise, I urge you to give me a call if you have any particular questions. Also, please give me a call if you have any legal questions about other matters.

Because you may receive reimbursement from the Town for expenses incurred in your official activities, such as field trips or pre-approved conferences, you are required to have two hours of ethics training every two years. The training involves Brown Act and conflict of interest issues, as well as other ethical concerns. You can ask Sharon Hanlon, Town Clerk, about the ethics courses.

Please note that, as explained on page 8 of the booklet Open & Public IV, newly elected members of a legislative body who have not yet assumed office must conform to the requirements of the Brown Act as if already in office. Therefore, you should not discuss matters of Town business with more than one other member of the Planning Commission except at a scheduled meeting.

I look forward to working with you.

Sincerely,

  
 Margaret A. (Sandy) Sloan  
 Town Attorney

<sup>1</sup> Conflicts of interest are rare in the Town and occur primarily when a town official lives within 500 feet of a property that is under consideration.

## JORGENSEN, SIEGEL, MCCLURE &amp; FLEGEL, LLP

ATTORNEYS AT LAW

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RETIRED

JOHN D. JORGENSEN

JOHN R. COSGROVE

MARVIN S. SIEGEL

WILLIAM L. MCCLURE  
 JOHN L. FLEGEL  
 MARGARET A. SLOAN  
 DAN K. SIEGEL  
 DIANE S. GREENBERG  
 JENNIFER H. FRIEDMAN  
 MINDIE S. ROMANOWSKY  
 DAVID L. ACH  
 LEIGH F. PRINCE

NICOLAS A. FLEGEL  
 KRISTINA B. ANDERSON  
 WILLIAM R. BENNETT

December 5, 2012

David Ross  
 237 Canyon Drive  
 Portola Valley, CA 94028

Re: Appointment to Architectural and Site Control Commission (ASCC)

Dear David:

Congratulations on your recent appointment to the Town of Portola Valley Architectural and Site Control Commission (ASCC).

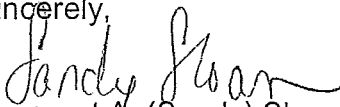
I am enclosing for your information copies of booklets that summarize two of the most important laws that affect government officials – the Ralph M. Brown Act, requiring meetings to be “open and public” and the Political Reform Act setting out what is considered a conflict of interest.<sup>1</sup> As both of these laws are complicated and many different factual situations can arise, I urge you to give me a call if you have any particular questions. Also, please give me a call if you have any legal questions about other matters.

Because you may receive reimbursement from the Town for expenses incurred in your official activities, such as field trips or pre-approved conferences, you are required to have two hours of ethics training every two years. The training involves Brown Act and conflict of interest issues, as well as other ethical concerns. You can ask Sharon Hanlon, Town Clerk, about the ethics courses.

Please note that, as explained on page 8 of the booklet Open & Public IV, newly elected members of a legislative body who have not yet assumed office must conform to the requirements of the Brown Act as if already in office. Therefore, you should not discuss matters of Town business with more than one other member of the ASCC except at a scheduled meeting.

I look forward to working with you.

Sincerely,

  
 Margaret A. (Sandy) Sloan  
 Town Attorney

<sup>1</sup> Conflicts of interest are rare in the Town and occur primarily when a town official lives within 500 feet of a property that is under consideration.

**From:** Sally Ann Reiss [sareiss1@gmail.com]  
**Sent:** Monday, December 03, 2012 1:21 PM  
**To:** TownCenter; TownCenter; John Richards; Maryann Derwin; Jeff Aalfs; Ted Driscoll; Ann Wengert  
**Cc:** Nick Pegueros; Howard Young; vlastic@spangleassociates.com; Carol Borck  
**Subject:** Woodside Priory Application  
**Attachments:** Dear Town Priory Field.pdf

Date: December 3, 2012

Town of Portola Valley  
 Portola Valley Road  
 Portola Valley, CA

Dear Town Council, Planning Commission and ASCC,

As residents of Portola Valley and part of the Woodside Priory Family Community, we are writing to urge you to approve the Woodside Priory's application to install an all-season turf field. For years, the school has been struggling along with inadequate facilities for the use by both its own teams and those of the Portola Valley community. After much discussion, the Priory community has decided to fund and build a new track and field.

The Priory's concern for the environment and sustainability are deeply supported by its family community. This proposed field project is very much about upholding those values in many ways.

1. Environment:

- a. Fertilizer: This project will allow the Priory to have a functional field that will **not** use fertilizer and pesticides. A similar grass field (like Rossotti's) would use **4,500 POUNDS** of fertilizer per year, whose runoff ends up in our PV drainage water systems.
- b. Poisons: In addition, poisons such as Talpirid Bait for mole and gopher deterrence would not have to be used at the risk to our children.
- c. Water use: To maintain a healthy grass field, **2.4 MILLION GALLONS** of water is needed per year (such as at Rossotti's). This project would very much reduce the water consumption needs.
- d. Air pollution: The pollution caused by brining in maintenance workers and the use of lawn mowing equipment is worth noting. According to the U.S. Environmental Protection Agency (EPA), a new gas powered **lawn mower produces volatile organic compounds and nitrogen oxides emissions air pollution in one hour of operation as 11 new cars each being driven for one hour**. This project would eliminate the need for this weekly polluting.

2. Financial Impact:

- a. Fertilizer: At a cost of \$1 per pound, that is a savings of \$4,500 per year.

- b. Poisons: Given the need for pest control, a monthly visit is approximately \$150, at a cost of \$1,800 per year.
- c. Water use: 2.4 million gallons of water costs approximately \$24,000 per year. (Assumes an average of \$1 per 100 gallons of water).
- d. Air pollution: Can you really put a price on air pollution? No, but you can put a cost on the maintenance fees – approximately \$12,000 per year.
- e. TOTAL COST = \$42,300. This money could be better used for scholarships for financially challenged students.

As a side note, we want to share a personal story. When we had to replace our roof, which had beautiful old wood shingles, we were disappointed to find out that new codes required us to use a composite tile. It seemed like an artificial substance on my roof would really change the way my house looked and felt. But there was a lot of data behind the benefits of a composite tile, not the least of which they were more fire retardant. Of course, we complied and now we are glad we changed them. And the look and feel of my house has not changed...only the material did. We are reaping the benefits of reduced maintenance and good insulation.

We commend the Town's committees for working with the Woodside Priory School to produce a beautiful facility. We also appreciate your working with the property owners to find acceptable solutions for both sides.

We are very proud of this town's efforts to encourage environmental friendly solutions and sustainability. This project VERY much is about upholding those values and we ask you to support the Woodside Priory's application.

Sincerely,

Peter and SallyAnn Reiss  
Residents of Portola Valley

NOTE: ATTACHED PDF of original.

--  
SallyAnn Reiss  
650-906-0828



# City of Millbrae

621 Magnolia Avenue, Millbrae, CA 94030

Phone (650) 259-2334 Fax (650) 259-2415

E-Mail: [gpapan@ci.millbrae.ca.us](mailto:gpapan@ci.millbrae.ca.us)

**GINA PAPAN**  
Vice Mayor

November 27, 2012

Dear Mayor, Vice-Mayor, and Council Members,

I respectfully ask for your support of my candidacy for San Mateo County's open seat on the Metropolitan Transportation Commission (MTC).

As a member of the board of directors of the MTC, I vow to be a passionate and committed advocate for our cities and county. I will work with you to be a strong representative who listens to your concerns, builds consensus, keeps you informed, and fights for our fair share.

## **EXPERIENCE AND VISION**

For the past seven years as Millbrae's **City Councilmember and Mayor**, I have focused on efficiency, economic development, and revenue enhancement, working both within our city and looking outward from a county and regional perspective. Millbrae is a key part of the San Mateo County transportation network because it serves as the intermodal center of our county—the only city that connects the SFO, BART, Caltrain, SamTrans, and multiple shuttle services. Given Millbrae's unique position, I believe one of our greatest resources is to bring communities together. I have developed positive relationships with cities and agencies in the county, as well as neighboring counties. Working together we have shared services with the county, merged services with four other cities, promoted strategic, transit-oriented developments with BART, pursued mutually beneficial property uses with the San Francisco Public Utilities Commission and its land within Millbrae, and continue to explore a multitude of innovative projects with the Silicon Valley Leadership Group. I feel strongly that cultivating these relationships has promoted efficiencies, saved money, and help our local economy grow.

On the MTC, I will work hard for the following specific goals:

1. **Secure our fair share of funding.** I will work to ensure we get our fair share of state and federal funding for ready-to-go projects suited to meet our region's needs. I will work so we can leverage funds for mixed-transportation projects that would enhance community vitality, promote pedestrian, bicycle, and public transit use, encourage transit-oriented development, and help rehabilitate local streets and roads.
2. **Reduce congestion.** I will work to reduce congestion in commute corridors, pursuing new transportation technologies to smooth commutes, and promote convenient and reliable public transportation.
3. **Modernize Caltrain.** I will work with other cities to ensure that the electrification of Caltrain along the existing right-of-way has acceptable and minimal impact on individual cities. Electrification, if done right, will reduce operating costs by half and increase service from 45,000 to 70,000 riders per day.

### MY REPRESENTATIVE SERVICE

- San Mateo County Council of Cities
- City/County Association of Governments (C/CAG) Board of Directors
- C/CAG Legislative Committee
- Congestion Management Program and Environmental Quality Committee (CMEQ)
- San Mateo County Housing Endowment and Regional Trust
- Grand Boulevard Task Force
- San Mateo County Emergency Services Council
- High Speed Rail Policymakers Working Group
- Airport Land Use Committee
- Peninsula Congestion Relief Alliance

### MY PROFESSIONAL SERVICE

- **Deputy Attorney General for the State of California** Proudly representing the people of the State of California for over 17 years.
- As the **Deputy Director** of a state agency with a \$400 million budget, I managed 150 employees. I helped to implement the Amber Alert program, served on the School Violence Prevention and Response Task Force, the Child Abduction Task Force, and served as a legislative advisor to the High Technology Crime Advisory Committee.

### WHAT IS THE MTC?

The MTC is the regional transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area. MTC is three agencies in one with a wide range of duties and shared mission: to keep the Bay Area moving. It oversees \$4.7 billion in public funds for transportation. The Bay Area includes 101 municipalities, 7,179 square miles of land, and by the year 2030 a population of 8.7 million people and 5.1 million jobs. The transportation network is 1,420 miles of freeways and highways, 19,400 miles of local streets and roads, 470 miles of rail transit, five commuter ferries, eight toll bridges, five public ports, three major commercial airports, and 750 miles of bikeways.

### YOUR SUPPORT

I respectfully ask for your vote on December 14, 2012, when the City Selection Committee votes to fill San Mateo County's open seat for the MTC. I have a proven record of fighting for our collective needs and I will continue to do so on the MTC Board.

Please feel free to contact me should you need any additional information at 415-710-5820.

Thank you,



Gina Papan  
Vice Mayor  
City of Millbrae



City of Half Moon Bay



501 Main Street  
Half Moon Bay, CA 94019  
650-726-8270

November 29, 2012

Dear San Mateo County Mayors and Councilmembers,

I seek appointment to the vacant Metropolitan Transportation Commission (MTC) seat, and request your support. I bring important skills and experience to the MTC needed for effective oversight: consensus building, budget management, strategic planning, and an inclusive communication approach.

My priorities will emphasize both transparency and inclusiveness to ensure that San Mateo County and its cities big and small are well represented, from the Township of Broadmoor to the City of Menlo Park.

I am most interested to serve on the Regional Planning Committee within the MTC, which is responsible for developing the Regional Transportation Plan (RTP) and Corridor Studies. The RTP is the strategic plan that guides transportation development over the next 25 years, and I have the skills necessary to help ensure an effective and practical approach.

Please support my candidacy for appointment to MTC.

Respectfully,

Rick Kowalczyk  
Vice Mayor



## CITY OF BRISBANE

50 Park Place  
Brisbane, California 94005-1310  
(415) 508-2100  
Fax (415) 467-4989

Cliff Lentz, Mayor, City of Brisbane

November 30, 2012

To: Honorable Mayors, Vice Mayors and Councilmembers

I hope this letter finds you well. I am writing to express my interest in serving as your representative on the Metropolitan Transportation Commission.

I am currently the Mayor of Brisbane and have been on the Brisbane City Council for three years. Prior to that, I served eight years on the Brisbane Planning Commission.

I'm also the Chair of the Baylands Sustainability Committee, where our goal is to take a 660-acre contaminated site and transform it into a sustainable development that is safe and vibrant. In working toward achieving this, I've come to understand how transportation, through the lens of sustainability, will be the system that binds the development together. By focusing on mobility that doesn't degrade the environment, allows for greater accessibility and efficiency through all modes of transportation while seeking out ways to enhance the economy, we have an opportunity to create a model of positive development within San Mateo County.

All cities have the potential to create sustainable developments that would be greatly enhanced through financial support from MTC. The competition to receive financial grants for transportation development is stiff. With your support, I will utilize my understanding of how sustainability is tied to transportation funding, and work toward establishing better lines of education and communication between MTC and the cities of San Mateo County. I will send out periodic emails to update you with what is happening at MTC, and coordinate meetings to help guide cities with projects that would benefit from MTC funding.

I would be honored to represent you and your city on the Metropolitan Transportation Commission.

Please do not hesitate to contact me: [cliffrentz@sbcglobal.net](mailto:cliffrentz@sbcglobal.net) or via cell 650-219-0293.

Best regards,

Clifford R. Lentz, Mayor  
City of Brisbane





City of Burlingame  
Hon. Jerry Deal  
Councilmember

12-5-2012

Hon. Mayors and Council Members

Update: Wanted to answer some questions and quell a rumor.

To quell a Rumor: **I am indeed running for the open MTC position contrary to a questioning phone call made by another applicant.**

Maybe the rumor started because Rich Garbarino, Councilmember, City of So. San Francisco has decided not to run and instead to endorse me. Additionally I am fully supported by my all of my fellow City Council Members and our Mayor.

**Regionalism:** I am a lifelong Bay Area resident ( except for military service) having grown up in Redwood City and before moving to Burlingame ( resident for 35 years ) I lived in the following cities: San Mateo, Menlo Park, So. San Francisco, Half Moon Bay, Mountain View and San Carlos. I therefore have watched the development of the Bay Area and transportation for 63 years.

My interest in becoming a member of the MTC is to represent and serve all of San Mateo County and its 20 cities. Putting aside conflicts with other boards and the City in which I reside is a vital requirement for service on the MTC. I have proven this ability on both SamTrans and Caltrain boards.

**Years left in my Term:** I was the top vote getter in last years November election and therefore still have three years left in my term.

Best Regards

*Jerry Deal*

Councilmember, City of Burlingame

P.S. I copy of my original email follows. My cell phone is 650-922-6975



## City of Burlingame

501 Primrose Rd  
Burlingame, CA 94010

Jerry Deal  
Mayor, City of Burlingame

11-13-2012

To: Hon. Mayors and City Council Members

I am writing to request your support and that of the Council regarding my candidacy for the vacancy on the Metropolitan Transportation Commission (MTC).

MTC as you know is the regional transportation planning and finance agency for the nine-county San Francisco Bay Area. It allocates more than \$1 billion per year in funding for the operation, maintenance and expansion of the Bay Area's surface transportation network.

My experience with transportation issues, business development, budget sustainability, protecting the environment, independent thinking and problem solving makes me uniquely qualified to "hit the ground running" in providing support for, and representation of all San Mateo County Cities.

I am an active Board Member of the following San Mateo County transportation related agencies:

- Peninsula Corridor Joint Powers Board (JPB) which owns and operates CalTrain.
- SamTrans Chair ( San Mateo County bus and para-transist services)
- Peninsula Congestion Relief Alliance

I have enhanced that experience with the following:

- American Public Transportation Association Conferences which has allowed me to network with transportation experts, board members, vendors and users across the United States.
- Various Transportation Webinar's, periodicals and research

As a member of the MTC and existing Board member of CalTrain, SamTrans & the Alliance my goals are to:

- Promote business expansion and bring in new businesses
- Relieve congestion on the freeways
- Provide for “the last mile” transportation connection
- Insure Budget and Financial sustainability
- Decrease pollution and promote environmental friendliness
- Promote Transportation-orientated Development (TOD)

A reliable and convenient public transportation system along with a viable surface transportation network is a vital component to our future economic viability. With your support we can accomplish these goals. If elected I look forward to working with you, your council and all members of San Mateo County’s 20 cities. Please give me a call to discuss. My cell phone is 650-922-6975

Best Regards

*Jerry Deal*

Mayor, City of Burlingame

P.S. Due to rotations Ann Keighran will become the Mayor on November 19<sup>th</sup> and I will once again become a Councilmember.



# MEMORANDUM

## TOWN OF PORTOLA VALLEY

TO: Mayor and Members of the Town Council  
FROM: Nick Pegueros, Town Manager  
DATE: December 7, 2012  
RE: Weekly Update

The purpose of this report is to provide a summary update on items/projects of interest for the week ended December 7, 2012.

1. **Storm Recap** – The intense rains on Sunday, December 2<sup>nd</sup> resulted in several items of note. All public roads in town have been inspected and Town crews/contractors continue to work on debris and mud cleanup, including street sweeping. The tab for the Town's response to this event is projected to total approximately \$12,000, or 60% of the adopted budget. The amount budgeted was based on past experience, however, one more significant storm may require a budget amendment. Direct impacts of the rain on Town residents include:

- a. Significant damage to AT&T's vault on Alpine Road across from Ford Field, where flooding destroyed all of the electronics that provide telephone and data service to a number of residents. AT&T worked around the clock to replace the equipment and service restoration began on Thursday, according to our contact at AT&T.
- b. A tree on upper Alpine (close to the green gate) brought down a power line and PG&E completed the repair on Wednesday. Upper Alpine also experienced a number of minor mud slides that the Town is cleaning.
- c. A tree fell onto Portola Road near Brookside requiring a temporary road closure.

We are especially appreciative of the extraordinary effort by public works committee members Steve Hedlund, Bud Eisberg, Wil Patterson, Mark Paris, and Joe Fil for surveying storm damage, unclogging drains, posting barricades where needed, and remaining in constant communication with staff throughout the day on Sunday.

2. **Second Meeting with Keep PV Rural members** – John Richards, Sandy Sloan, Tom Vlastic and I met with 6 members of Keep PV Rural on Wednesday to discuss the December 12<sup>th</sup> Town Council meeting. The meeting was focused on possible actions that the Council could take on 12/12 and the implications of each. I will meet with a smaller group to develop meeting notes and make those available to the Town Council at the Wednesday meeting.
3. **Windmill School's Pre-Application Meeting with Staff** – Karen Tate, Monika Cheney, Cindy White, and CJW (project architect) met with Tom Vlastic to discuss options to build Windmill's new 8,500 square foot campus on approximately 1 acre of the White's property (specifically an acre that includes the area where the woodchopper's house is currently located). The conceptual plan would provide for restoration of the historic woodchopper's house and integration of the structure into the new campus. Tom will work with CJW to produce meeting notes with next steps required should Windmill and the Whites reach agreement. John Richards and Howard Young were also present at the meeting.
4. **ABAG-PLAN Insurance Meeting** – As a member of ABAG-PLAN's Board of Directors, I attended the semi-annual meeting of the Board's Executive Committee in Oakland on Thursday. The Committee considered a number of matters facing the JPA that may require policy changes to protect the long-term financial health of the organization. Those policies will be developed and debated over the next year. ABAG-PLAN is a joint powers authority of 29 Bay Area municipalities that was formed to provide cost-effective liability, property, and bond coverage.

#12

There are no written materials for this agenda item.