

AD HOC AFFORDABLE HOUSING COMMITTEE MEETING, TOWN OF PORTOLA VALLEY, MARCH 19, 2013,
SCHOOLHOUSE, TOWN CENTER, 765 PORTOLA ROAD, PORTOLA VALLEY, CA 94028

Present: Steve Toben, Chair
Susan Dworak
Bud Eisberg
Wanda Ginner
Judith Hasko
Judith Murphy
Jon Myers
Andrew Pierce
Onnolee Trapp
Carter Warr

Absent: None

Others: Nick Pegueros, Town Manager
Karen Kristiansson, Principal Planner

(1) Call to Order [7:00 p.m.]

Chair Toben: Welcomed the Committee and community members to the Affordable Housing Ad Hoc meeting.

(2) Oral Communications

Bernie Bayuk: Paloma Road, Westridge, has lived there 52 years, since January 1961 and raised a daughter who attended all four elementary schools in Portola Valley. The term “affordable housing” is emotional and subjective, and the real issue in Portola Valley is high-density housing. He voted for the Town’s incorporation in 1964, and the main issue was maintaining open space and large building sites for homes. Ten years ago, the Town Council proposed modified zoning to permit as many as 30 houses to be built at the corner of Alpine and Portola Roads, without any ad hoc committee’s advice and with minimum public hearings.

The result was an instantaneous formation of a committee that he joined, which led to a referendum, and the proposal to build those homes was never implemented. The same circumstances are being repeated now at a different location. The idea of high-density housing in Portola Valley is repugnant. For all these years it’s been an accepted to have one acre or more per house. Before we change the character of Portola Valley, think about having 30 houses today at the corner of Alpine and Portola Roads, with their carports, which weren’t even counted in the density calculations.

There are alternatives, including second units. In reading the Committee members’ introductory statements only one mentioned second units. They are a viable and more acceptable solution, rather than a ghetto in Portola Valley that would identify individuals permitted to live there. And the Town has no means to enforce that those individuals selected who will be the only ones to buy or rent there.

Introductions

Chair Toben: Invited Andrew Pierce and Judy Murphy, who were unable to attend the Committee’s first meeting, to describe their households, what led them to sign up for the Committee, add an idea to help craft a mission statement, and comment on programs and priorities for affordable housing.

Andrew Pierce: Has two low-income people in his household at Portola Valley Ranch – his daughter in college and mother-in-law, is a retired nurse. His wife, mother-in-law and daughter are African-American, accounting for about 25% of the census allotment of African-American people in Town. He said he’s served on committees similar to the Ad Hoc Affordable Housing Committee in Palo Alto and Santa Cruz.

Thinking about values, self-determination in this case means flying under the radar rather than defiance. Compliance with state law is the only way we're going to achieve self-determination. That's one of the things this Committee can accomplish here.

Judith Murphy: A resident since 1990, she lives on Portola Green Circle. She loves the nature, openness and quiet, and believes we can find a way to meet the mandates, create more diversity and still preserve values that so the new people can enjoy it.

Mr. Toben: With a jam-packed agenda, apologized in advance for any brusqueness but there's a lot of ground to cover. The Committee has committed to a code of civility in all interactions, because the concept of affordable housing carries a certain emotional charge. Based on the first meeting, he's confident that the Committee can proceed with thoughtful conversation and divergent points of view, and progress toward developing a mission statement and criteria to address issues of programs and priorities.

Mr. Warr: The bin list is quite extensive. We have to gain knowledge and restricting ourselves to those goals without dealing with those questions also would impede the Committee's ability to engage in give-and-take conversations.

Mr. Toben: That's a fair point. This Committee is in fact involved in two parallel activities. One is knowledge gathering, which is well-represented by the bin list, an extensive set of questions that merits a significant investment of time and inquiry. The other track might be described as values discernment – what this Committee perceives to be the center of gravity among our residents with respect to the community's broad aspirations, values and goals. We can proceed on the second track without first answering all the questions on the bin list, and the Council has made it clear that they want us to produce deliverables on that second track. We're going to have to attend to the issue of how we address the big question.

Mr. Warr: It should be a serial track rather than a parallel track. We have questions about compliance, and looking carefully at that information is an important part of understanding what we need to attend to from the mandate standpoint. In its exuberance to get us finished and not overuse us, the Council has possibly tasked us with too much to do in too short a time. Certainly the Committee can be emissaries to the rest of the community, but strong numbers and a good understanding will give us better footing.

Mr. Toben: So Mr. Warr says we ought to attend to the bin list before we get to the mission statement. Any other thoughts about whether we proceed in parallel or sequentially and try to undertake the knowledge-gathering part by trying to answer all the questions on the bin list before that?

Ms. Dworak: We can do parts of the knowledge and values tracks in parallel, because to some extent we know values the community treasures. Being on a subcommittee charged with community outreach, I think it's premature to even draft a mission statement without community input. I could draft a written statement tonight, but it would be based on my limited experience with neighbors as opposed to the thorough, robust commentary I'd absorb hearing from different members of the community.

Ms. Ginner: In my experience, it's easier to start with a draft than to start from scratch, but I want to hear what others say. The learning process and going forward with the goal can happen simultaneously. They aren't exactly parallel, but starting on one would move us forward on both.

Mr. Pierce: I don't think we need answers to all the bin list questions to do what the Council has asked, because a lot of the questions are directed at phases beyond our scope. Some of the questions may never be answered, or the answers will be vague. Nonetheless, we've been asked to do certain things, so we need to prioritize what we need to know. We can learn by doing also.

Ms. Murphy: It's important to look at values early and thoroughly to give us a benchmark for evaluating how well various proposals would contribute to meeting our goal without getting into dogfights.

Ms. Hasko: Although I'm more a sequential task performer myself, to maximize the value of all the people here we could move parallel to a certain degree. Toward the end of the process, it will be very important to think about the bin list items in the context of the input we're getting, so all the pieces come together.

Mr. Eisberg: There will be questions in our outreach to the community, and our first outreach meeting is in one week. It doesn't make sense to go in knowing we'll have a lot of questions we may not be able to answer.

Mr. Warr: Without having answers, we'll look like dummies or that we're evading the answers. There's an opportunity to begin the process of actually answering these questions. Some things in the mandate might surprise members of this community – despite our emphasis on preservation of open space and rural quality; we're listed as a suburban community with housing density of 20 units an acre, for instance. That kind of density is not unlike The Sequoias, which was in part of what the Town was founded around to stop. I'm not trying to be obstructionist. I just think it's important to get our arms around that. People may say that we might comply in a way that probably doesn't change the rural character of the Town now, but what's the cumulative effect of compliance on the Town's character.

Ms. Trapp: The outreach meeting is a place to gather and hear community concerns – not so much to answer their questions but to learn what their questions are. It's up to the Town Council to get the answers and to put everything together after we finish our study.

Ms. Dworak: Agreed.

Mr. Toben: There are obviously diverse viewpoints on this question. Having noted some concerns about lack of adequate foundation to proceed confidently with fellow citizens on this point, let's move forward with the agenda.

(3) Approval of Minutes: Ad Hoc Affordable Housing Committee Meeting Minutes of March 5, 2013 [7:24 p.m.]

Ms. Ginner moved to approve the minutes, as amended. Seconded by Mr. Eisberg, the motion carried 9-0.

(4) Status of Questions/Concerns on Affordable Housing Submitted to Staff (the "Bin List") [7:26 p.m.]

Chair Toben: Underestimating the number of bin list items that would be proposed, he miscalculated the time needed to deal thoroughly with them. He asked for volunteers to cluster and prioritize questions, and then perhaps divvy up responsibilities for drafting responses, possibly in concert with staff. There's no way to properly deal with all of this is a fast-turnaround kind of way.

Ms. Ginner, Mr. Warr and Ms. Hasko - Volunteered to help group related questions together.

Mr. Warr: What kind of support can we count on? A lot of this is research-based and also requires some legal support. For instance, some questions relate to ambiguity in the law.

Mr. Pegueros: The Town Council will authorize \$5,000 (including about \$500 per meeting for meeting time). The more planner time spent, the more expensive it gets. If the group prioritizes questions to be answered first, we can start knocking them off and work down the list.

(5) Discussion of Mission Statement [7:30 p.m.]

Mr. Toben: We felt it was a good idea for everyone to craft a few ideas that will begin to coalesce. Let's have each Committee member read your 50-word statements, with no comments between presentations. Then we'll take a few minutes to get reactions, and then try to bring out some of the salient ideas in preparation for the community meetings – to pound together something to represent a first pass at a mission statement. Obviously this is preliminary and rough.

Ms. Trapp: We have responsibility to plan for and create housing for people at all income levels, especially those who live or work in this Town. Recognizing and accommodating the housing needs of this population requires a broad range of housing programs to fulfill these needs.

Ms. Hasko: To comply with state affordable housing laws in a manner that is consistent with the Town's rural character and sustainable, and that supports diversity, minimizes impact on the environment and wildlife, embodies an excellent and creative approach, and allows for convenient access to public transportation and to Town commerce and facilities.

Ms. Dworak: The plan is intended to develop a course of action to implement a feasible strategy to create affordable housing by developing and/or contributing to affordable housing with planning and management controls so as to maintain a balance of density and the rural nature of the Town, thereby preserving the quality of life, aesthetics, scenic corridors and open space, while at the same time honoring the Town's unique history and character.

Ms. Ginner: Establish criteria for development of a plan that provides affordable housing in compliance with the state mandate, with the goal of increasing diversity of Town residents but recognizing the unique rural character that encourages protection of wildlife and open spaces compatible with diversity.

Mr. Pierce: The Town has committed to planning for the development of additional affordable housing consistent with the Town's existing semi-rural character in order to meet the needs of families, employers and employees in Town and to satisfy applicable California housing law requirements.

Mr. Warr: Did not prepare a statement.

Mr. Eisberg: To gain knowledge on how Portola Valley can inform the community on the affordable housing mandates and solicit input from residents to assist in the preparation the new Housing Element. Solutions should be creative, compatible with the Town's rural character and low-density issue. Solutions should also be shared among neighborhoods and the administrative costs kept low.

Mr. Myers: Develop a plan that encourages sufficient housing be established in Portola Valley that is consistent with our vision for our community and is affordable for people who live and work in our community and earn less than 120% of San Mateo County median income.

Ms. Murphy: In addition to legal responsibilities to provide affordable housing, we believe we have an ethical duty to open our community to a wider diversity of residents. We intend to meet the formidable challenge of providing additional housing while maintaining our high-quality Portola Valley way of life, the rural and natural beauty, the quiet and the emphasis on community cooperation we preserve for all current and future residents to enjoy.

Mr. Toben: Any quick reactions on this exercise?

Ms. Murphy: I found it very difficult to write a mission statement because I thought our whole purpose as a subcommittee was to solicit input from the community that would be used in the creation of a mission statement, so this is a little cart before the horse.

Mr. Toben: Fair enough. As this goes forward, we'll take these submissions, enrich them with community comments from your meetings and pull together the words that seem most salient. That's a teaser for what will be down the road with our continuing process.

Mr. Warr: I agree it's the cart before the horse. I wanted input from the community first rather than saying what I think it should be. From a values standpoint, the mission statement needs to reflect back on what the founders of Portola Valley envisioned. I'm glad Mr. Bayuk reminded us; that needs to be reflected in the mission statement.

Mr. Toben: Quick comment from the audience. It will have to be brief, but I'd be happy to hear your thoughts.

Cindie White, Portola Road: As an objective person on the outside looking in, I also feel that the cart's before the horse. It's hard to make a mission statement without community input. It's not exactly what I thought the Town Council promised in December 2012.

(6) Report from the Neighborhood Outreach Subcommittee [7:39 p.m.]

Mr. Toben: So the purpose here is to get some reaction back to the Neighborhood Outreach Subcommittee. My suggestion is we delegate to them the final task of formalizing the language and scripts. They've done a lot of work already and I think that they have a good handle on it.

Ms. Dworak: As the three members who serve on the Community Outreach or Neighborhood Outreach Subcommittee, with guidance from Mr. Pegueros, she, Ms. Hasko and Ms. Trapp met for nearly two hours. There was a lot of discussion (and questions) about the best ways to efficiently and effectively reach the greatest number of community members. Do we include Ladera and Vista Verde? How do we reach people? What if folks want to attend meetings at the Community Hall, or would they be more comfortable at meetings in private residences? What about people's different schedules? Should we vary times so that we're having morning meetings, lunch meetings and evening meetings?

We'd like to give everyone an option of coming at any time of the day to different locations. Unfortunately, with everyone's busy schedules, we're not going to reach everyone, so we decided to put a box in the Town Hall. Next to the box will be comment cards, and folks can come in and give input. Names and contact information would be optional, because we had some discussion about intimidation and that sometimes folks don't enjoy public speaking. They don't want to speak out at a meeting, but we wanted to give them some way to have a voice. Those comment cards would also be distributed at each of the meetings, such that folks can attend a meeting, add their input and also write comments. We took a shot at drafting a notice, which has been through a number of iterations.

Mr. Warr: From a scheduling standpoint, with this being March 19 already, will there be enough time? The schools will be out of session during spring break.

Ms. Dworak: We tried to avoid that first week in April because it's spring break, but we also had to look at the calendars of Town Hall, The Sequoias and some of the larger venues. We took what could get, basically, and tried to come up with as many larger meetings as possible. And then we want morning and afternoon meetings on the neighborhood level at peoples' homes, at Alpine Hills, a church or somewhere else. They can have the meeting anywhere they want, but outside of that spring break period. We had a pretty robust discussion on this, trying to get as many people in one room as we could on what date, morning, noon, evening and night. It sounds easy, but when we really looked at availability of venue and whatnot, it was a little bit trickier puzzle.

These would be the four big, widely announced, widely noticed ones. In addition, everybody on the Committee would be holding neighborhood meetings. Those would be in addition to these four meetings, so there would be a lot of variety. Setting up four meetings here and all of us having neighborhood meetings would provide much broader opportunities for community input than usually exists for getting something off the ground.

But to answer your question specifically, I don't know that any of us thinks it's enough time. We wish we had more, but we don't. So we had to draft the notice, announce it, get it out there as much as we can, and have folks contribute in larger, smaller, or in writing, whatever version they could contribute in, and maybe this is a segue into the next part of the meeting.

I expressed my opinion in our subcommittee meeting that having community input meetings without answers to some of the bin items or the more critical questions was putting the cart before the horse. We're going to facilitate these meetings and say, "Okay, everybody tell us what you think about affordable housing." We need a presentation. We need some answers to come together. But at the same time we have to get out there and collect community input. I think it was a really good decision to have the FAQ's present at the meetings. This Committee's bin questions have gone beyond the basic questions.

Ms. Trapp: The suggestion to have at least a few of the basic FAQ's available for people at the meetings would be a good way to answer some of their questions. Maybe we wouldn't have those questions asked, but we would have answers if people did bring up an issue.

Ms. Murphy: With a wide variety of venues, we thought it was important that if Mr. A goes to this meeting and Mr. C goes to that meeting, they have basically the same experience with the same opportunity and hear the same information. Rather than just informally coming in and asking, "What do you think?" we developed an actual script – this is a draft and we want your input on the script – for everyone to follow so everyone who attends hears the same things. We can hear all about what the community wants and doesn't want, hearing what the community is afraid of, hearing what their highest aspirations are, and getting that down.

We also have an obligation to keep the meeting from devolving into longwinded opinions about solutions. It's not about solutions. It's about gathering information. The script is pretty carefully written to do that. We tweaked it ourselves and other people tweaked it a little. We hoped you would edit and make it even better.

Mr. Warr: I like what you said more than what's written – about categories of feelings or ideas that people would likely express. What do they expect? What do they fear? What do they want? Attending to what people want and fear would give us great guideposts to knowing what to do.

Mr. Eisberg: Conversations of my neighbors, that's the concept.

Ms. Hasko: Are there plans to coordinate the people who are invited to the neighborhood meetings?

Ms. Ginner: Don't we have a map with a notation that pinpoints where everybody lives?

Ms. Murphy: Well, one reason we wanted to do these larger meetings is because some of our houses don't hold very many people. How do you limit that number in a way that's truly democratic so we thought to have some larger open meetings in a variety of venues and times so that anybody who wanted to come to a meeting could.

Ms. Kristiansson: The one thing that I should mention that I believe the Town staff can do is that if anybody wants, I think if you put your address into the computer system, it could give you addresses of everybody within half a mile or 500 feet or whatever distance of your house.

Ms. Ginner: I don't want to overlap. I can do all of Cervantes and Westridge in the next two months.

Mr. Pierce: It's easy for me because Portola Valley Ranch has an email list, and it's a defined area.

Ms. Dworak: On the invitations for the household meetings, I would err on the side of over-inclusion rather than under-inclusion. Let's try to reach everybody as much as we can.

Mr. Warr: We need to have all that back in by April 10?

Ms. Dworak: I thought we said April 11.

Ms. Murphy: We need to report by April 16. We've got to have some time to work with the data.

Mr. Warr: What's the rush?

Mr. Toben: We've been given an assignment. We all signed up for this and knew the terms going in. We have two specific deliverables and we have a calendar. None of us would claim this is a perfect process, and I'm not sure there is a perfect process. I am confident that a really good job of outreach will generate a lot of interest. Our subcommittee has pointed out that it's not just the meetings that would be an outlet

for comment, but also those drops at Town Hall, and the ability to email. All that input would be gathered together.

Ms. Ginner: The issue for me is reaching those neighbors. I know how to find a bunch of my neighbors, but it's not like a list for the Ranch. We can always get on the PV Forum, but it doesn't guarantee reaching everybody. So what do we do? Put notices in mailboxes? Ms. Kristiansson is suggesting an ability to list all the neighbors within a certain area.

Ms. Dworak: Can we generate postcards?

Mr. Warr: I'd like to put a request to the Council that we push back the date because of the concerns we have, and so we can actually do an adequate job. From the very beginning this was an ambitious project, and I think we came together to do a very good job and do it right. Rushing into this and not having adequate resources and time, and doing it because there's an artificial date out there – the Housing Element doesn't have to be resolved until 2014. Our existing Housing Element is perfectly good until then. Frankly we'll be better off because of our work and because we can show how the community input has been done.

Mr. Toben: Do others agree that we should ask the Town Council to extend this process for some to-be-determined period of time? I ask because you did sign up for a particular process that was pretty well-defined at the outset, with certain representations made about what would be asked of you.

Ms. Trapp: What we're doing here is getting the people talking. We're asking people to tell us what their problems, concerns and issues are. We're beginning a conversation. As we go through this, we may find out that it can't be finished that fast. Then the Town Council has an opportunity to reconsider and extend the deadline. They would have to find out if we were still willing to go through this. We may lose a few but I think we want to proceed and try to do what they asked us to do.

Mr. Toben: So you're suggesting that we not resolve this question tonight, but see how it goes in the next couple of weeks?

Ms. Trapp: Let's get it started.

Mr. Toben: And then come April 16, we may conclude we need more time.

Ms. Ginner: I really agree with Ms. Trapp. I've lived with deadlines forever. April 15 doesn't exist on my calendar. Let's see how we're doing. If we're getting good data, we don't need to ask for more time. If we're not, or if we feel we're leaving holes, we'll know what with a couple more steps. I'd like to just go forward, because there's never enough time, never.

Ms. Dworak: And we can make it clear at these meetings that we are just beginning. This is a process and it's the first of many comment opportunities.

I have two more comments and the first is on the discussion. It's important that when we present this information, that it is accurate and correct, and that we facilitate it in the same way each time. On that note, I've said it before and I'm going to say it again, in the introduction it says the Town is responding to the state mandate, etc. The Housing Element needs to plan for a specified numbers of new housing units, including affordable housing, within the Town. That is incorrect. It is not accurate. The state mandate does not say that we have to provide units within the Town. That may be a goal we are trying to achieve if at all possible, but we have to consider other options. Telling folks we have to find out how to do it within the Town might shut down discussion about other alternatives, and there are other alternatives.

Ms. Murphy: As to Mr. Warr's earlier point, I think we need to forge ahead but the last place we want to be is having the community feel as if we didn't have enough meetings in enough places over a long enough time, whatever their criteria are. This is such a contentious and difficult issue, we absolutely need buy-in

from people as we go along and they need to feel like they were an important part of crafting what we do, from the beginning.

Mr. Warr: Community outreach the week before spring break and the day after will make it appear that we're trying to look as if we're doing community outreach but not really doing it.

Mr. Toben: Let's find out. Let's go forward. This plan is in place. Let's see where it goes.

Ms. Ginner: Commenting on this script, I'd like it to say we're not here to answer all your questions tonight. You can find information on the website, in these handouts, etc., and make it clear that they are not going to get full information, because it's too much stuff. So something that addresses the fact that there are other places to find information.

Mr. Eisberg: One suggestion for the discussion. A hard question, a question that will make people think, not dance around in circles. Do you support affordable housing? A lot of people will say yes. Do you support affordable housing in your neighborhood? Something like that will get people to think and we'll get some real answers.

Mr. Toben: One comment – the discussion questions make no reference to this Committee's assignment, which is to formulate criteria to define and prioritize potential affordable housing programs. Would it be constructive to explicitly address the question of criteria the Town should consider in support of the housing program? Mr. Warr made a good point last time about addressing criteria both from the standpoint of how you distribute the Town's responsibilities among the various programs and also how do you look at each of those programs against the second units and determine how you would distribute units around the Town. That might be useful scaffolding while we're in the meetings.

Ms. Trapp: I agree.

Mr. Warr: That's such an open-ended question.

Ms. Murphy: You said you liked what I said better than what I wrote, so can you give me a quick one or two questions that you liked?

Mr. Warr: I like the concept of "Do you support affordable housing?" and "In your neighborhood?" Because I think that it gets to the gut feeling that people either have or not, and then follow up with what criteria would make that housing in your neighborhood acceptable? I think that provides the scaffold to the goals of the Committee.

Mr. Eisberg: When we talk about sites, most of us think of the parcel of land we have, but we also have to realize that an important part of the Housing Element is what is on that site. In other words, the development on that site. So we have to think about them in concert.

Mr. Pierce: The statement that the planning needs to be for a specific number of units within the Town is correct, and I haven't seen anything that contradicts it. But I'd be interested in what the people who know that plan more have to say about it, because if you could get out of this by simply putting the units in another town –

Ms. White: From an outsider looking in, I might represent a person at a community outreach meeting who doesn't know as much as you. I do happen to know a lot because I've done a lot of research, but it seems that we started the Committee, half of the information was presented. Mark Moulton told his story, which was lovely, and there was survey of people who work here but don't live here, but there's another side of the story, too. There are property rights issues and situations where affordable housing doesn't work. That's the other side of the story. What do the people in the Town feel through a survey?

If you go to the outreach and talk to people and you haven't done your homework, aren't able to answer questions, it's going to create so much confusion. You need a presentation, to present them with

something and give them a foundation so that we're all level set with the same information. I'm not even sure this Committee is level set, and that's what concerns me about moving so fast. There are stacks of information to read, an exorbitant amount of information. If you ask people what the criteria should be for reviewing these programs, how would they be able to answer? It's really confusing. There needs to be level setting.

Mr. Toben: I do know the subcommittee has built in a 20-minute presentation for those meetings, and there will be materials available as well. We're going to try to make it as rich as possible, obviously, but your point is well made. I think the subcommittee now has its direction from the Committee. I appreciate the input and we really need to get on to Ms. Kristiansson's piece of the program.

Mr. Warr: I realize that, but there's an important question to have as part of this and to get to the scaffolding issue so we can understand criteria. That's a question to the point that affordable housing would mean an increase in density. At what density is affordable housing acceptable in terms of units per acre?

Mr. Toben: Of course you have the opportunity to communicate with the subcommittee, as long as you don't do it sequentially and get into the Brown Act territory. But if you have another question you want to take to this group of three offline, I'm sure they're eager to hear your further input before this goes to press. It's best if you can send them to Mr. Pegueros, and he'll make sure that we stay within the Brown Act.

Ms. Dworak: We've got a couple of days to try to whack out our final versions. So we welcome questions, but if they're going to be used, it has to be soon. Also, when you send invitations to your neighborhood, please attach the comment card that Mr. Pegueros will give us for folks who may be unable to come to Town to fill it out or to a meeting, but it's a way to capture their comments.

(7) Overview of the Discussion of Housing Element [8:09 p.m.]

(a) State Mandates for Affordable Housing

Mr. Toben: We're going to move now into bin list territory. Ms. Kristiansson will address some of the substance with respect to our state mandate, the existing Housing Element and some of the various programs we have.

Ms. Kristiansson: I don't know what everybody knows, so I want to take a step back and provide that overview of the state law, talk a little about the Town's current Housing Element and take a quick look forward to the 2014-2022 Housing Element. If you have a question about something specific, please let me know right away. If you have a bigger question, though, please hold that until we get through it.

Mr. Pierce: When you're dealing with individual questions, on the bin list, can you use the number?

Ms. Kristiansson: I'm not dealing with individual questions, but some of things hit certain issues.

So, first, the Housing Element mandate. California law requires every jurisdiction to have a General Plan. The General Plan is supposed to describe the community's visions and goals. Sometimes it's described as a Constitution for the Town, this is where we want to go. The General Plan must have a set of goals. One of those is the Housing Element, so it's a required part of the required General Plan. It's the only part of the General Plan that the state reviews and certifies. For everything else in the General Plan, the Town can basically write and edit and do what we want. No state agency oversees it.

For the Housing Element, we have to go through a process where we send a draft to the Department of Housing and Community Development (HCD), which reviews it and says whether we comply with the state law. That gives the state a lot of control over the Housing Element. The Housing Element also has many more requirements than other parts of the General Plan. The housing law is substantially thicker than anything that applies to the other elements. The requirement that people talk about most is that each jurisdiction needs to plan for its share of housing. The share is called the Regional Housing Needs Allocation (RHNA). When we talk about the RHNA, it's the amount of housing assigned for the Town for a particular Housing Element period. If you want to know more details of the process used for developing

the RHNA, talk to me later. For now, suffice it to say it's a very long and complex process that involves computer models and projections and committees and the whole thing.

The idea behind California's Housing Element requirement is that the state has a housing crisis. Not enough housing is being produced to accommodate the population growth, resulting in problems such as overcrowding, long commutes, businesses having trouble finding workers and higher labor costs. It's important to understand that the state believes local government land-use regulations limit the supply of housing because they increase the cost of building.

There have been questions about the consequences of being out-of-compliance. A memo in your packet put together by the 21 Elements Group, which is the organization of the 21 communities in San Mateo County, talks about that. To summarize, jurisdictions that don't have a Certified Housing Element have limited access to state funding, particularly transportation funds. That's not a huge issue for the Town so far. There's also the possibility of lawsuit such as the one in Menlo Park. A successful lawsuit could result in the Town having to pay a substantial amount of money in attorney fees, having to provide housing at a density of 20 units per acre, or not being allowed to issue any permits for some period of time.

One thing that gets overlooked is the fact that having a Certified Housing Element gives a community some control over how its affordable housing is provided. A provision in the law says if someone proposes an affordable housing project, it can be denied only if one of five findings is made. As it stands today, without a Certified Housing Element, the Town would basically have to find that approving a proposed project would have a negative effect on public safety and public interest. Having a Certified Housing Element lets the Town decide where and how to provide affordable housing rather than being at the mercy of a developer. If you don't have a Certified Housing Element, it's much harder to say no.

Despite all the state requirements, it's also important not to lose sight of the fact that the Housing Element is part of the General Plan, so it's part of the Town's vision for the future. From where I sit, aside from the state mandate, a key question is, "What does the Town want to do? What does the Town want to achieve in terms of housing? Is it important for the Town to have some moderate-income housing and below? How does the Town wants to look at that?"

A lot of the mission statements drafts Committee members read earlier talked about wanting to meet the state mandate and finding a way to do so, but we also want to look at what the Town wants aside from what the state requires.

Ms. Hasko: What about having the housing "within the Town", that piece of it?

Ms. Kristiansson: I'm going to get to that a little bit later.

Mr. Pierce: Could you elaborate about how the Association of Bay Area Governments (ABAG) process fits in?

Ms. Kristiansson: The state comes up with projections for each region. In the Bay Area, they give the number to ABAG. After a back-and-forth process between ABAG and the state, they negotiate a new number. Then ABAG's job is to figure out how to divide that number among nine Bay Area jurisdictions. We have another layer in San Mateo County, because all the communities in San Mateo County have formed a sub-region, so ABAG gives a number to the County to allocate within the sub-region. The tricky part is that any sub-region community that doesn't like its number, it can go back to ABAG.

Ms. Ginner: Your March 15 memo had some numbers about, "Is the Town meeting its housing need?" I was looking at all those numbers and then you said it's going to change. It left me hanging.

Ms. Kristiansson: The number for the last planning period basically started in mid-2008 and goes through 2014. We're not in 2014 yet, so we don't have a final number because the time has not run out. As more things are built in 2013 and 2014, we'll update those numbers.

Ms. Ginner: So this isn't just wild guesses when you talk about 8 to 10 additional second units and two or three additional market-rate units?

Ms. Kristiansson: No, it's based on the rate of construction to date, and looks forward, like all projections.

(7) Overview of the Discussion of Housing Element

(b) Adopted Housing Element Programs

Mr. Toben: Let's move on to the constituents of our Housing Element.

Inclusionary Housing Requirements

Ms. Kristiansson: Your packet describes 13 programs in the Housing Element and divides them into two groups. One group includes programs set up to meet specific state requirements. For instance, every town must have provisions for emergency shelters. Most of these requirements are straightforward, and we have met them, and aren't really as relevant to this Committee's charge to look at how affordable housing should be provided in this Town. If you have questions afterwards, I'm happy to discuss these requirements, but I'll focus on the programs that could produce the housing, the first one being the inclusionary housing.

It's not as if this provision has produced a lot of affordable housing in Portola Valley, but the way it's structured now, every new subdivision with seven lots or more would have a below-market rate (BMR) component, with 15% be set aside for BMR housing. A discussion at the Planning Commission in the early 2000s focused on possibly requiring a smaller percentage but also requiring the developer to build the units. I expect a similar discussion to come up during the next Housing Element update process, to avoid situations such as that in Blue Oaks, where we had lots but no affordable housing got built on them.

There aren't many opportunities for new subdivisions in Portola Valley and I haven't heard of anything being proposed for any possible subdivision. So the inclusionary housing program isn't likely to produce any more housing in the 2014-2022 period.

Multifamily Housing

Ms. Kristiansson: The multifamily program will allow multifamily housing in three parts of Town – at the Priory, The Sequoias and the Stanford Wedge, about 89 acres of land owned by Stanford, zoned R-E. It's very steep at the top and more level at the bottom. It's in between Westridge Drive and Golden Oak Drive.

Mr. Toben: There are no immediate plans to develop it?

Ms. Kristiansson: No immediate plans to develop.

Mr. Warr: Is there a reason it hasn't been rezoned to match the Housing Element?

Ms. Kristiansson: The way the Housing Element is set up, it would still be consistent with R-E zoning.

Mr. Warr: So that meets the rezoning requirement in the state law? There's a bunch of deadlines that actually make a property conforming.

Ms. Kristiansson: Let me get back to that. It's getting in too deep.

The only multifamily housing units built so far are the seven townhouses at the Priory; 11 more were approved as part of the Priory's 2005 master plan but have not yet been built. The Sequoias has site constraints because of the San Andreas Fault and fault traces, and as far as we know, there's really

nowhere to build there – but it's in the Housing Element if someone is able to get creative. At the Stanford Wedge, it would hinge on what Stanford wants to do.

Ms. Trapp: Would having built that medical center entice Stanford to consider building on that property?

Ms. Kristiansson: As part of the Housing Element update process we usually get in touch with them and ask about that land. We will do that, I'm sure.

Second Units

Ms. Kristiansson: The second-unit program produces more affordable units in Portola Valley than any other program. Provisions in current Housing Element were included to increase the production of second units, and some 2010 zoning changes made it easier, especially for smaller units. Less than 400 square feet can be approved at the staff level. Provision also was made for second units that could be created by converting space within an existing house without adding floor area.

When I put the 2012 numbers from second units into account, it doesn't seem like there's been an increase so far, so we might have to do a little more outreach. We'll see in the next year or so. But that's the main vehicle for affordable units in Portola Valley.

The Town probably will meet all of its needs for low-income housing and below, but probably not meet for the moderate-income and above moderate-income units. The person who reviewed our last Housing Element said they really don't care if we meet the above-moderate requirement.

Mr. Eisberg: Then why is it in there?

Ms. Kristiansson: It's supposed to be for all income levels and that's one of them. HCD has decided it's not something they're going to worry about.

Mr. Warr: That's not what the law says.

Ms. Kristiansson: When you talk to different people, the answer isn't always the same. But that's my understanding. Also, the numbers are not additive except under certain circumstances that I don't believe apply here, so I don't think if we have a shortfall in the moderate and above-moderate income categories that those numbers would be added to the 64 units for the 2014-2022 period.

Ms. Ginner: Is that 64 new units?

Ms. Kristiansson: Yes.

Ms. Ginner: Has anybody looked at how many non-permitted or under-the-radar units we have?

Ms. Kristiansson: The 1990 Housing Element had a second-unit amnesty program that allowed people to come in and legalize these units, because that's when the second-unit program started, and at the time there were a lot of illegal units. That program ran from 1991 through 1995, I believe. The issue that came up was that the Town has certain standards for second units – they must be a certain size, meet building code standards and also some planning standards set forth in the Zoning Ordinance. People who built these units, especially before those standards were developed, didn't always meet the standards.

I wasn't directly involved because I wasn't working for the Town then, but I've heard the discussion focused on how much the Town could let the standards. Would we legalize units built previously even though they don't meet the Town standards? Would that encourage people to build more units that don't meet the standards and get them legalized later? It's a tricky issue. Monte Sereno is dealing with those same questions now, so the issue is still around.

Ms. Trapp: How many units were legalized during that amnesty?

Ms. Kristiansson: Thirty-eight.

Mr. Pierce: Does anything speak to whether the units are rental or ownership units?

Ms. Kristiansson: They can be either.

Mr. Myers: Where does our packet talk about the shortfall in moderate and above-moderate income categories. It sounded important to me that we meet all of our –

Ms. Kristiansson: March 15, 2013 memo, the chart on page 4.

	Very Low	Low	Moderate	Above Moderate	Total
Adjusted Need – Units needed by June 2014	5	10	17	26	58
Permitted to Date	11	1	3	11	24
Difference	-6	9	14	15	32
Unmet Need (as of March 2012)	0	3	14	15	32

Mr. Warr: We're over by six on very low, and under by three on low. Short by 14 on moderate and short by 15 on above moderate, and short by 32 overall. And that's okay?

Ms. Kristiansson: There's still time. More will be built. I expect that with the additional second units projected below moderate will be taken care of. We'll have some more of the moderate, but probably not all 14.

Mr. Warr: Can you comment about providing additional opportunities in second-unit sizes and also in more zoning districts?

Ms. Murphy: This chart summarizes where we are now. Where will this leave us for the next Housing Element?

Ms. Kristiansson: Those are things we'll talk about next.

Mr. Eisberg: Can you make that study done for the town by the graduate student did on the second units available for us?

Ms. Kristiansson: I've gone through that study and I found some things that aren't correct, so I'm contacting each of the other communities to have them double-check the information. When I have it, I will give you the correct information. I could give it to you now, but I know some of the information for Portola Valley is wrong and I'm not sure about the rest. I'd rather give you the right information.

Mr. Eisberg: The bottom line is that Portola Valley is the most restrictive of similar communities in second units, and that some of these communities achieve the entire requirement with second units.

Ms. Kristiansson: I'm going to get to that, too. So let me go on to the next section.

The possibility of trading or finding housing in other communities to lower the amount that Portola Valley needs to build in Town is mentioned a lot. It relates to the term "within the Town." According to my research, state law only provides for trades between a county and the jurisdiction within the county, not between cities or between towns. Section 62284.07 talks about transfers of units, but it's only about from a county to a city within that county. Specific provisions apply if a city is incorporated, if a city annexes land, a county annexes land, and so on. HCD has interpreted state law to allow transfers between local governments, but only until the RHNA is adopted – in our case, by ABAG. So as part of the RHNA process, basically, any community can ask for the allocation to be changed, and if a couple of communities get together and want to swap somehow and go to ABAG before the RHNA is finalized, it

can happen as long as it meets certain criteria. Once the RHNA is final, there's no mechanism to transfer assigned RHNA shares between communities.

Ms. Trapp: If two towns agreed to do a trade, Town A would give the privilege of building housing to Town B, because Town B is able to build more multifamily housing. Would Town B then be obligated to provide Town A's allocation of units in Town B for Town A's workers? Because we're looking at providing housing for people who live or work in the Town, right? So if we're not providing any housing for people who work in the Town but would like to live here. If we provide housing in another community, wouldn't it have to provide housing for our workers?

Ms. Kristiansson: Not unless it's part of the deal between the towns.

Ms. Trapp: Is that kind of stipulation possible?

Ms. Kristiansson: I'd need to check with the Town Attorney. I think the most you could do would be to give priority for these units to people who live or work in a certain place.

Mr. Warr: We can't tell people where to work.

Ms. Murphy: If it's a trade, that implies we give them something and they give us something.

Ms. Kristiansson: Practically speaking, I don't believe the Town would be able to transfer any units for the 2014-2022 Housing Element for three reasons. First, it would need to be finalized by April 11, 2013 – two weeks from today. Second, we'd need to find a nearby community with a housing project they want funding for and that would be willing to accept some of the Town's RHNA. Third, we don't really have anything to trade, because the Town Council wants to use money from sale of the Blue Oaks, if at all possible, to build the units within the community. Between now and April 11, we're not going to answer that question of building the units within the community, so we don't really have that money available.

In addition, providing money to another community to reduce our RHNA requirement would be charting new territory. I don't know of any places that have done trades like that. The only example I know that of a transfer in San Mateo County was between Woodside and Redwood City. When Cañada College was built and they wanted some housing for teachers on land in Woodside. That land was annexed to Redwood City, which in the process took a portion of Woodside's RHNA. That was a very different circumstance.

If the Committee wants, you can suggest looking into possibilities for the 2022-2030 RHNA. In some ways that seems a long way away, but it will be here before we know it.

Mr. Pierce: I know Palo Alto will be appealing its allocation.

Ms. Kristiansson: The Town Council has accepted the allocation, so I don't believe we could do that.

Mr. Eisberg: An ABAG brochure that's online says the transfer rule allows for the "transfer of housing need between willing jurisdictions in conjunction with financial and non-financial resources," which begs the question of how many units you can provide with a fixed amount of money in Portola Valley, considering building costs here, as opposed to somewhere that may need the housing more. We'd end up with more people in a house. That's a big question, I think, one we should not overlook.

Mr. Toben: It would be useful to circulate that. But it seems to be somewhat misaligned with Ms. Kristiansson's comment about limitations on transfers once the RHNA number is locked in.

Ms. Kristiansson: If it's the document I looked at, I think it's out of date. There was another provision in the law related to trades that was repealed in 2007, so we'd want to make sure what's accurate. But I think Mr. Eisberg makes a good point; if you have a certain amount of money you could provide more units someplace else than you could in Portola Valley.

Mr. Warr: Where does San Mateo County identify sites in its Housing Element? Are any of those sites associated with properties that adjoin the Town or its sphere of influence?

Ms. Dworak: The RHNA number of 64 has been finalized?

Ms. Kristiansson: It's been accepted by the Town Council, but not yet finalized by ABAG.

Ms. Kristiansson: Back to second units. I researched the question of whether all housing could be provided through second units and the short answer is no. Portola Valley, Woodside, Atherton, Hillsborough, Monte Sereno and Los Altos Hills all have provisions in their latest Housing Elements for multifamily housing somewhere, either at institutions such as the Priory or on land they're annexing. So we can't do it all with second units. We might be able to do it with second units plus multifamily housing.

Even so, the Town will likely need to add methods to encourage production of more second units in the 2014-2022 Housing Element, judging from what we've seen in the rate of construction. In the discussion about 900 Portola Road, people say "Why don't we just do second units? Everybody's happy with that." When the second-unit program was adopted in 1990, it was very controversial, though, so I'm not sure everybody would be happy with that. Especially in Westridge and some of the smaller-lot developments, second units were seen as a way of doubling the density, doubling the traffic and causing all sorts of problems. I think there are ways to address it, but if we're pushing the second-unit program, be aware that those concerns were raised when the second-unit program was adopted.

Ms. Trapp: What is the definition of multifamily? Is it more than two? Like a duplex?

Ms. Kristiansson: A duplex could be considered multifamily. Multifamily doesn't necessarily mean very dense.

Housing Impact Fee

Ms. Kristiansson: The housing impact fee would be a new program if the Town wanted to explore it, that could charge fees on new homes or new additions, and the money could be used to promote affordable housing, and it would not have the same strings on it that the Blue Oaks money does for example.

The history of the Blue Oaks money is important. The Town has that money because it required the developer to provide lots for eight moderate-income units under the Town's inclusionary housing program. The Town has sold the lots but still has an obligation to provide those units. The money can't just be used for any affordable housing. For instance, we can't just give it to HEART to provide housing somewhere. As I mentioned before, the Town Council wants to use the funds for housing in the Town, so I foresee a program in the Housing Element to address how that will happen.

This Committee's process is really the first step in preparing the next Housing Element. That work will really start in earnest later this year, but you folks are helping define the Town's visions and goals so that as we try to figure out how to meet the state mandate, we can do it so that it fits within the Town's visions and goals. This Committee doesn't need to work out the details of all the programs that will be in the Housing Element; that process will be ongoing and probably will take at least a year. But your work is really the starting point.

(8) Discussion of Progress Report to Town Council on March 27 [8:49 p.m.]

Mr. Pegueros: As was mentioned in the charter, we are scheduled to update the Council on March 27 and ask for guidance if the Committee has obstacles or questions that could benefit from further direction. So now is a good time to share those with me and I will share them with the Council.

Mr. Warr: More time – adequate time for the Community Outreach Subcommittee.

Ms. Murphy: Is it appropriate for us to have a community meeting scheduled before that goes to Council?

Mr. Pegueros: Sure.

Ms. Dworak: I would like to echo that. I'm feeling very rushed. I feel I have very important points to make and that can't be addressed for various reasons. One is time. We don't have time to even discuss it. This is the Ad Hoc Affordable Housing Committee. The whole point is having the Committee is to discuss these things and we don't have the time to discuss it. The second thing is the communication route. I would like to get a legal opinion – I will pay for it – on the Brown Act. My understanding is that we are exempt as we are a temporary, single-focused ad hoc unit.

Mr. Toben: Why would you want to be exempt? We want to have a public process. Even if we could contort our way into an answer that the members could meet in secret, I don't think we'd want to do that.

Ms. Dworak: I'm not suggesting that. The words you're using in no way express what I have articulated. That isn't what I'm saying. I'm feeling we don't have time to make our points, that the communication has been thwarted and that we have important questions to be answered that cannot be answered because of financial limitations. I absolutely understand attorney fees. We don't want to go to the attorneys and eat up funds for no reason, but at the same time, the decisions we're making – or that the Town Council will make – are huge. They are permanent. I've been told at least three times on questions I have, "We can't give answers to those because we don't want to pay for the attorneys."

Mr. Toben: I would think that it's proper for you to tell the Council that one member of the Committee has asked if the Brown Act covers the proceedings of this Committee. I suspect the Town Attorney will give a very quick and unconditional answer.

There was a comment about what you'd like Mr. Pegueros to report to the Council on the March 27?

Ms. White: I have been sitting in at all of the meetings, some were on Wednesday evenings and some were special meetings and the Ad Hoc Affordable Housing Committee, and I've read the documentation. Ms. Kristiansson's presentation was powerful, with a lot of information and answers to questions we've been asking for months that shed a whole new light on this. I was at the meeting when the Town Council adopted the RHNA numbers, and said, "I don't think you should do this because you are going to get yourself into something you don't understand just by accepting these numbers." Everybody looked at me like a deer in headlights. They went ahead and they approved the numbers and now we've learned that because those numbers were approved, our window to undo this closes April 11.

By "undo," I mean find another solution besides building high-density housing in Town. Affordable housing is a very emotional issue, but people are confusing affordable housing with high density. Yes, we all want affordable housing. Unfortunately, when you accept the RHNA numbers, it means high density. That's just the way it works. So by the Council approving the RHNA numbers for the 2014-2022 Housing Element, we are now bound to 64 units, which will mean high-density housing. So this whole Ad Hoc Affordable Housing Committee, where we're going to be open to the public and get everybody's input about whether we want high-density housing –

This Committee is not a community outreach. We're not getting people's input about whether they want high-density housing. You're going to get it and that's why the charter is so confusing. And it said "within the Town." How do you get the property? I am really upset that this isn't transparent, that it was misleading, that these questions weren't answered sooner, and now we're stuck with high-density housing in Portola Valley. A lot of other towns are fighting ABAG.

Mr. Toben: You're most welcome to come and speak on these very points.

Ms. White: I will.

Mr. Toben: Okay, one last comment and then we're going to take a quick look at the agenda for April 16.

Ms. Dworak: I do feel the meetings are compressed, that we're pushing through a lot of stuff in the amount of time we have. Is there a reason we meet at 7:00 and not 6:00? To get three hours instead of two?

Mr. Toben: Should we change the format of these meetings and make them more leisurely?

Ms. Dworak: Not leisurely. I'm feeling very forced. I really take issue with the word "secret." In no way did I ever suggest we have secret meetings. Quite the contrary. I made that very clear in my email to you. What I'm saying is that we can't communicate with each other as a group with little script changes and things to make this move forward. This is huge. We could do wonderful things with this Committee, but we can't because we're hindered by communication. Two partners at one of the largest law firms told me that we're not violating the Brown Act by emailing each other. And I'd just like to clarify that.

Mr. Toben: And those here who also serve on Town committees will probably tell you the Brown Act applies across the board to all the Town's advisory committees in Town. It's never hindered doing any committee business because there are many mechanisms for sharing information with the larger public. The packet goes out the Friday before. The world gets to see it. But by all means, bring your questions to the Town Attorney next Wednesday.

Ms. Dworak: I understand that in the normal course of business, but this isn't the normal course of business because we have so much to do in such a short time. I'm just suggesting someone take a look at that.

(9) Wrap up and discussion of April 16 meeting agenda [8:57 p.m.]

Mr. Toben: For the April 16, 2013 agenda we anticipate reports on the community neighborhood meetings. We will take another pass at formulating the mission statement. We'll also hear report from the Program Assessment Subcommittee, which will take some of the material that Ms. Kristiansson provided tonight and do further analysis and reflection on what it may suggest in terms of options for accomplishing our affordable housing requirements. And more focus time on the bin list.

Any last comments before we adjourn?

Mr. Dworak: Ms. White was right about other towns fighting ABAG's numbers. Saratoga, which is about 12 times the size of Portola Valley, has appealed its assessment. Saratoga's assessment is in the 400 range, I believe, and they think it's way too high for community with a population in the area of 35,000 to 40,000 people.

So it sounds like to me if that's a slam dunk deal, something is being compressed here unnecessarily. I don't know what the appeal time period is, but I understand that Saratoga has until sometime in May.

Ms. Dworak: I'd love to talk with Ms. Kristiansson later. I do understand that other towns have decided other things, and that we are not those other towns. We are unique. We are nine square miles. We have a freeway on one side and mountains on the other. We really have to look at the geology and geography when we look at the ABAG numbers. Can we really handle all this density? Maybe we can handle some. But I would like to talk about the other towns.

Ms. Kristiansson: Once I get that information on the second units from the other towns, I can give you better information.

Ms. Trapp: Maybe we can have a quick summary of the different parts of the Town that have different densities already established. For instance, the older neighborhoods that have lots much smaller than one acre.

Ms. Kristiansson: We can get information about existing densities in the different parts of Town for the next meeting.

Ms. Ginner: How about something about getting information out to set up these neighborhood meetings?

Mr. Pegueros: I'll send an email out tomorrow morning asking for dates and also give you the process on how to set up the meetings. I think the expectation is that each Committee member will host a meeting in their neighborhood.

(10) Adjournment [9:02 p.m.]