

PORTOLA VALLEY TOWN COUNCIL REGULAR MEETING NO.935, SEPTEMBER 14, 2016

CALL TO ORDER AND ROLL CALL

Mayor Derwin called the Town Council's Regular meeting to order at 7:00 p.m. and led the Pledge of Allegiance. Ms. Hanlon called the roll.

Present: Councilmembers Jeff Aalfs, John Richards, Ann Wengert; Vice Mayor Craig Hughes, Mayor Mary Ann Moise Derwin.

Absent: None

Others: Jeremy Dennis, Town Manager
Leigh Prince, Town Attorney
Debbie Pedro, Planning Director
Cynthia Richardson, Planner
Brandi de Garmaux, Sustainability & Special Projects Manager
Adrienne Smith, Sustainability & Special Projects Intern
Sharon Hanlon, Town Clerk

ORAL COMMUNICATIONS -- None

Mayor Derwin asked that the audience members who would like to speak tonight under an item on the Agenda fill out speaker cards.

CONSENT AGENDA [7:01 p.m.]

- (1) Approval of Minutes: Town Council Regular Meeting of August 10, 2016. [*Pulled from Consent Agenda*]
- (2) Approval of Warrant List: August 24, 2016, in the amount of \$252,670.32.
- (3) Approval of Warrant List: September 14, 2016, in the amount of \$260,583.62.
- (4) Recommendation by Public Works Director – Acceptance of the Town of Portola Valley 2015/2016 Street Resurfacing Project – Surface Seals #2015-PW05
 - a) Adoption of a Resolution of the Town Council of the Town of Portola Valley to Accept the Completed Town of Portola Valley 2015/2016 Street Resurfacing Project – Surface Seals #2015-PW05 and Authorizing Final Payment to G. Bortolotto & Co., Concerning Such Work, and Directing the Town Clerk to File a Notice of Completion (Resolution No. 2706-2016).
- (5) Recommendation by Water Conservation Committee – Request for Charter Amendment.

Councilmember Richards moved to approve Items 2, 3, 4, and 5. Seconded by Councilmember Aalfs, the motion carried 5-0 by roll call vote.

- (1) Approval of Minutes: Town Council Regular Meeting of August 10, 2016.

Councilmember Wengert moved to approve the minutes of the August 10, 2016 meeting, as amended. Seconded by Councilmember Richards, the motion carried 5-0.

REGULAR AGENDA [7:03 p.m.]

STAFF REPORTS AND RECOMMENDATIONS

- (6) Recommendation by Town Manager – Proclamation to Commemorate the 35th Anniversary of Woodland School.

Mayor Derwin read the proclamation aloud. Anita Grossman, Director of Advancement for Woodland School, accepted the proclamation and thanked the Town of Portola Valley for the recognition.

PUBLIC HEARING

Prior to the presentation of the staff report, Mayor Derwin opened the Public Hearing for the children only.

Elizabeth Schor – Said she attended Windmill School for three years and had a great time learning and playing. She said she hoped other kids got the same chance to explore Windmill. She asked the Town to please help their school.

Madelyn Schor – Said she had three awesome years at Windmill where she made amazing friends and learned from great teachers. She said Windmill is truly a magical place. She asked the Town to please help their school at their new site so other boys and girls can have the same opportunity.

Eva Urbanek – Said she is 10 years old and in the 5th grade. She said she went to Windmill for three years. She said she was very nervous when she first got there. She said she learned she had nothing to be afraid of and was greeted by really nice teachers and the facility was super fun. She said it wasn't a preschool all about learning, but was about preparing kids for the grades ahead and helping the children find friendships.

Sophia Hinshaw – Said she is in the 5th grade. She said she used to live in Palo Alto and when her family moved here, they didn't know a lot of people so she didn't have a lot of friends. She said somebody suggested Windmill and her parents enrolled her at the school. She said she made many good friends and if she hadn't gone to Windmill she wouldn't have all the great friends she has today.

Lukas Worthington – Said he is 11 years old and it's been a while since he went to Windmill. He said he attended Windmill for two years where he learned a lot and had a lot of fun. He said he made friends, had free time, hung out, and had great teachers. He said he hopes kids of future generations can have the same amazing experience that he did at Windmill.

Myko Worthington – Said he went to Worthington for two years. He said he had a lot of fun there, had great teachers, learned a lot, and it wasn't all about just "you learn this, you learn that." He said it was fun and learning, which he loved.

Mayor Derwin thanked all the children who spoke and commended their willingness to participate in their local government. She suspended the public hearing until after the staff report.

- (7) Recommendation by Planning Director -- Review of a Conditional Use Permit, Variance, General Plan and Zoning Map Amendments, and Initial Study/Mitigated Negative Declaration, for the Windmill School and Family Education Center Master Plan File #32-2015, X7D-177, Windmill School, 900 Portola Road

- (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Adopting the Mitigated Negative Declaration for the Windmill School and Family Education Center X7D-177 (Resolution No. 2707-2016).

- (b) Adoption of an Ordinance of the Town Council of the Town of Portola Valley Amending the Town Center Area Plan Diagram of the General Plan and Amending the Zoning Map to Reclassify 900 Portola Road (Ordinance No. ____)
- (c) Adoption of a Resolution of the Town Council of the Town of Portola Valley Approving a Conditional Use Permit for the Windmill School and Family Education Center X7D-177 (Resolution No. 2708-2016).
- (d) Adoption of a Resolution of the Town Council of the Town of Portola Valley Approving a Variance for the Windmill School and Family Education Center to Construct an 8' Tall Sound Wall (Resolution No. 2709-2016).
- (e) Adoption of a Resolution of the Town Council of the Town of Portola Valley Approving a Site Development Permit for the Windmill School and Family Education Center X7D-177 (Resolution No. 2710-2016).

Planner Cynthia Richardson presented the staff report and slide presentation detailing the final plans for the General Plan and Zoning Ordinance Amendment, the Conditional Use Permit, the Variance, the Environmental document, and Architectural and Site Review Plans for the Windmill School and Family Education Center.

Planner Richardson said the Town received the original application in November 2015, which was a request to transfer the Alpine Hills Use Permit portion for Windmill to the current location. Upon staff's review, it was determined that a new Use Permit was required. The full application was submitted in March and the ASCC subsequently held two field meetings, one preliminary meeting, and a final meeting, where they made recommendations and recommended approval by the Planning Commission. She said the Planning Commission also held two field meetings, one preliminary meeting, and one final meeting, where they made recommendations and voted unanimously to recommend approval with conditions.

Planner Richardson then presented slides covering the project entitlement process with renderings of the project plans and outdoor space, the materials board and color palette, and the landscape plan.

She said the project required the preparation of an Initial Study and Mitigated Negative Declaration (IS/MND). She said Attachment 1 of the packet detailed the five areas that were found to have potential significant effects and required mitigation measures: biologic resources, cultural resources, geology and soils, hydrology, and noise. She said General Plan Designation Map and Zoning modifications were also required. She said the applicant initially proposed an ornamental garden structure for an 8-foot-tall wall. At the Planning Commission's request, the applicant changed that request to a variance to allow for the 8-foot height of the wall for the purpose of mitigating noise from the play yards at the rear of the school.

Planning Director Pedro presented the Conditional Use Permit, as detailed in the staff report, which contained four distinct uses: 1.) Preschool; 2.) Kindergarten through 8 Afterschool Enrichment Program; 3.) Family Education Center for Windmill school-sponsored events and classes; and, 4.) Windmill Education Center for use by community groups. She described the Summary of Proposed Activities table (Attachment 15) prepared by staff that detailed all of the activities, the times, and the number of people on-site. Planning Director Pedro described the details of each of the proposed four uses. She said the letters of support for the application were included in the staff report and that staff had received a few more letters, which were also provided to the Council.

Planning Director Pedro said the Council has three options for action this evening: 1.) Approve the Project as proposed; 2.) Add and/or modify the Project, including the conditions of approval, which may require the Project to return to the Planning Commission for review; or 3.) Disapprove the Project.

Town Attorney Prince provided an overview of Conditional Use Permits (CUP) in general. She said the basic building block for land uses in Town is the Zoning Ordinance. She said a CUP gives the Town flexibility to allow special uses that the Zoning Ordinance does not allow as a matter of right, but that may be allowable when the use is restricted or conditioned appropriately to assure that the special use does not create conflicts or otherwise affect public health and safety. She said it is the role of decision-makers to determine what conditions are necessary, such that they can make the required findings to issue the Use Permit. She said the decision to grant or deny a Use Permit is a discretionary decision. She said that Municipal Code Section 18.72.030 provides that the purpose of the CUP review is in part to determine whether the location proposed for the conditional use is properly related to the development of the neighborhood or the community as a whole, to determine whether or not the use proposed in a particular location would be reasonably compatible with the types of uses normally permitted in the surrounding area; and to stipulate such conditions and requirements as would reasonably assure that the basic purposes of the Zoning Ordinance and the objectives of the General Plan would be served.

Town Attorney Prince explained that a Use Permit runs with the land, meaning that it attaches to the property and not to a particular owner. She said once the CUP is approved, absent specific authorization in the Use Permit, the local agency may not reopen the Use Permit to add or modify conditions if, for example, something was overlooked. She said, however, if the owner violates the terms of the Use Permit and fails to cure that violation, then the Town may initiate revocation or modification proceedings. She said, with respect specifically to Condition #2, is it not a sunset clause. She said it does not terminate the use after one year, but it does allow, as currently drafted, an opportunity to consider if additional conditions are necessary.

Town Attorney Prince then explained addition versus modification. She said Municipal Code Section 18.76.120 provides that the Counsel shall approve, approve with stated conditions, or disapprove any application. She said it also states that the Counsel may add to the conditions recommended by the Planning Commission; however, if the Counsel desires to modify or reverse the Commission recommendation, the Counsel shall request further report of the Planning Commission before it makes its final decision. She said there is no specific definition of "addition" and "modification" in the Town's Municipal Code. She recommended, with respect to the Counsel's discussion tonight, that if the Counsel wished to add language to the condition or add conditions that do not substantially change the quality of what was recommended by the Planning Commission, it can be deemed an addition and no further report would be necessary. She said the idea, conceptually, is whether the Planning Commission has something to discuss that was substantially different than what they reviewed previously. She said it is her opinion that given the amount of time spent discussing Condition #2 at the Planning Commission level, the effective deletion of Condition #2 could be seen as a modification.

Town Manager Dennis thanked Planning Director Pedro, Planner Richardson, and Town Attorney Prince. He said this process moved along very quickly for a project of this size, thanks to the staff's efforts.

Mayor Derwin called for questions from the Council.

In response to Councilmember Wengert's question, staff confirmed that the CC Zoning was being recommended for the entire project.

With no further questions, Mayor Derwin called for comments from the applicant.

Monika Cheney, Co-Chair, Windmill Capital Campaign and Board Member. She thanked the Town staff for all of their hard work, particularly the Planning staff that has been working on this project for many months. She also thanked all of the members of the public and the volunteers who showed up to the meeting to support the project.

Ms. Cheney presented a slide show describing the history of the school, the staff, the capital campaign team, the advisory council, and the expert advisors. She said their lease at Alpine Hills ends August 2017. She pointed out that when Windmill started 60 years ago, only 10 percent of children went to preschool, and the single classroom they currently have does not allow the school to offer the types of services and classes desired by modern families in Portola Valley. She said they originally looked at renting which did not prove feasible. She said they then started trying to buy properties, none of which worked out, until they were able to acquire AI's Nursery almost 1-1/2 years ago, which has always been their dream property. She then showed a video of the property.

Ms. Cheney said probably 90 percent of the students they serve are from Portola Valley, its sphere of influence, and from the Woodside part of the school district.

Ms. Cheney said their mission is to provide quality early educational experiences for local children and families. She said their first component is to build a permanent home for the preschool. She said they want to provide enrichment activities for preschools and K-8 children after school. They also want space for unstructured play experiences. They also want to continue to foster social capital in the community, as they have for 60 years. She said a lot of the Town's volunteerism springs from the eternal floors of Windmill School.

Carter Warr, project architect. He said the volunteerism that he has provided to Windmill was pinioned upon the mission that this school has provided to the community. Mr. Warr described the development and progression of the site plan and architecture of the project.

Karen Tate, Co-Chair, Windmill Capital Campaign. She thanked everyone for the many hours of work bringing this project to fruition. She shared details regarding the extensive community outreach conducted over the years and the steps the school took in refining their site design and curriculum to incorporate the input received. She explained the steps they have taken to mitigate issues related to parking and traffic, sound, environmental, and light spill. She shared a matrix showing the maximum numbers of students and teachers on campus at any given time during regular school hours, as well as during enrichment hours and Saturday and Sunday special enrichment events and family enrichment classes (i.e., sewing, yoga, cooking). She said the play yards would never be used on Sundays, and when outside community groups use their facility, they will not be allowed to use the play yards. She described the events shown in the matrix, and noted that these were not new events and have always been part of the school's regular operations. She said that due to the constrained facility at their current site, many of those events had to be held elsewhere in Town. She said that they hope to be able to host many of those events at their new site. She said the school is well aware that they will need to ensure there is adequate parking for any of these events.

Camas Steinmetz, Attorney. She said she was brought into the project team just following the Planning Commission hearing to help address the school's concerns with Condition #2. She said she is a Land Use Attorney and has represented Windmill, Woodside Priory, and Woodland School. She said all of the schools she represents operate under Conditional Use Permits. She said many have a standard annual reporting and review condition similar to Windmill CUP Condition #4, which Windmill does not object to. She said, however, none of the CUPs of the schools that she's represented have any condition similar to Condition #2, which essentially allows the reopening of the entire CUP one year after the school is operating. She said this condition could potentially result in a reduction in the school's fundamental operating conditions, which is essential to its viability, if the Planning Commission determines that such reduction is necessary to ensure harmony between the use and the community. She said this is not tenable for a \$9 million community investment. She said the staff report presented some conditions imposed on other Conditional Use Permits in Town; however, based on her review of the CUP conditions, none of them involve the reopening of the entire CUP, none imposed such a broad and vague standard for modifying the CUP, and none threatened the fundamental operational viability of the applicant. She said in the list of previously approved Conditional Use Permits in the Town of Portola Valley, Fogarty

Winery and Priory are just versions of Condition #4, the reporting requirement; Portola Building (Sausal Creek) has a term of five years; and the rest allow modifications to the CUP only for certain aspects of the conditional use that are not critical to the viability of the businesses. She said the example conditions also appeared to be applied to uses that reused existing structures on the sites and did not likely involve significant capital expenditure or extensive CEQA review. She said Condition #2 is unnecessary because Conditions #4 and #29 in the draft CUP conditions already require annual reporting and review and already provide for the modification and revocation process. She said Condition #2 is untenable and creates uncertainty that threatens the securing of funding to build the school and ensuring the long term operational viability of the school. She said it is not what the school thought they were paying for with the \$60,000 already spent in permit fees and reimbursement for staff and attorney time, and \$40,000 for CEQA review. She said if this is really just a one-year permit on the terms of the CUP conditions that could ultimately be cut in half, that's just not tenable for the community investment involved here.

Ms. Steinmetz said the school proposes either the elimination of Condition #2 in its entirety if this does not result in additional delay or additional hearings, or that the Council adds additional clarifying language as suggested in Windmill's letters of September 8 and September 13, which were included in the staff packet. She that in addressing the residual concerns regarding events and parking and traffic, the school has offered to replace Exhibit A of the CUP with the detailed matrix that the Planning Director reviewed, which includes a restriction on community use of the center for life events, including weddings, birthday parties, and memorial services; adding additional parking restriction language to Condition #12; and adding a queuing and driveway safety performance standard.

Ms. Steinmetz said the clarifying language proposed for Condition #2 limits the scope of the review, will protect the school's fundamental operating conditions, which is essential to securing funding to build the school, and will ensure that tuition and enrollment continue to operate in the long term, yet it will still allow the Town the ability to review and modify the CUP one year after operation to address any unanticipated impacts resulting from the school use. She said they believe this constitutes an addition under Municipal Code Section 17.76.12(A) and therefore does not trigger a report to the Planning Commission under Subsection (B).

Ms. Steinmetz said the new table of activities that will replace Exhibit A to the CUP provides more specificity and limits school activities and events. She said the proposed added language to Condition #12 requires the school to avoid overlapping activities that would result in the need for offsite parking, except for large events which requires a separate parking arrangement under Condition #14. She said the proposed additional performance standard regarding driveway safety and queuing will ensure that the school traffic will not significantly impair the flow of traffic on Portola Road or otherwise create any unsafe conditions.

Ms. Steinmetz said the school believes that their request addresses both the Town's and Windmill's need for more certainty surrounding the school's use on-site.

Ms. Tate requested that the Council approve their application. She said they have a lot of support from the ASCC and Planning Commission for the project. She said the project is a clear benefit for the entire community. She said they've received unprecedented community support and have raised over \$6 million from more than 200 donors in the local community for both the land acquisition and to put toward site development. She said the Wyndham Drive community submitted a letter of support with more than 35 signatures.

Ms. Tate said that continuing to delay, for whatever reason, would seriously jeopardize the school and the project. She said their lease is expiring at Alpine Hills and every time they come to a hearing, it is more money that they are paying staff or consultants, or time being volunteered. She said most importantly, the project has been about momentum and it has been very difficult with all the starts and stops over the last nine years. She said the current momentum is absolutely critical to the success of this project.

Ms. Tate said this kind of project takes a village and there was no way they could have done this without the help of many, many people. She thanked all of the countless volunteers and donors who have made this happen. She also thanked the Town Council and staff who work so hard on behalf of Portola Valley.

Mayor Derwin called for questions from the Council.

Councilmember Aalfs asked regarding the likelihood the school would want to expand the enrichment programs beyond 45 students on-site. Ms. Tate said she would not imagine that likely for at least five or ten years. She said she did not see Portola Valley growing like Menlo Park is right now. She said she feels an unmet demand, but she believes that with what they have they will be in good shape. She said they would be prepared to come back for a modification of the CUP if they felt there was so much demand.

Councilmember Aalfs said he could see the Parent Lounge becoming a fairly popular use and may be used more frequently than might be initially expected. Ms. Tate said they will keep an eye on that and will always make sure they have sufficient parking. She said they've talked about potentially placing signs such as "For Drop Off Only," similar to what happens at Alpine Hills right now. She said because they have captive clientele, they have a lot of sway over how their parents behave in the parking lot.

Councilmember Aalfs asked if they were thinking about an official speed zone around the school. Ms. Tate said it was suggested as an option by the parking and traffic consultant. She said they discussed it but are not proposing it at this time. She said the traffic consultant has been working with Windham Drive to measure the traffic speed and they have learned the speed is greater coming into Town than going out of Town. She said the general feeling is that just by having the use there, traffic will be slowed down naturally.

Councilmember Aalfs asked regarding the three large events that would not be school related. Ms. Tate said they have heard a lot of interest in gathering space. She said the community loves the Community Hall but feels there is a need for availability more than 12 times a year. She said Windmill wants to be a community asset, and wants to provide a resource for local events and groups that need that kind of space. She said at this point they are flexible on those three events. She said they first want to try their own events, making sure they can handle the parking well. Ms. Cheney said they want to be good neighbors and making their facility available to the community is consistent with parts of the General Plan asking schools to do just that. In response to Councilmember Aalfs' question, Ms. Tate said at this time they want to limit it to three events per year.

Councilmember Richards asked staff to clarify the potential 492 events per year with under 50 people. Ms. Tate said many of those are preschool related and include things like 24 staff meetings (with staff already on campus), parent teacher conferences, monthly board of director meetings, and new-family gatherings. She said where the big count comes in is on the Windmill Family Education Center where they have Windmill-sponsored Family Education classes. She said these are the weekend classes that are family oriented, such as mother-daughter yoga, art, cooking, etc. She said they might have 30 maximum participants at a time and possibly six classes over the course of a weekend.

Vice Mayor Hughes said some of the condition changes Windmill is proposing feel fairly substantial and might trigger sending it back to the Planning Commission, which could be a fairly quick turnaround. He asked if the applicant would rather have the modification and delay or accept with the current language and not have the delay.

Ms. Cheney said the school would like to be done with this as soon as possible. She said they have spent a lot of time, a lot of money, have overwhelming community support, and have children who really need a school. She said every delay is a problem. She is hoping they can get this done tonight.

Ms. Tate said the concerns seem to be about the large events, how they will park them, and any associated traffic impacts. She said those concerns are still reviewable even with the clarifying language the school is proposing. She said they also addressed the concern regarding vehicle queuing. She said they are not in the business to be a rental facility and their core goal is family education. She said they are agreeable to not providing space for life events and they are comfortable revisiting the community events as well. She said their main concern is being allowed to have 66 students on campus at one time, 12 teachers at one time, 120 adults/students at one time, and protecting their operating hours.

Ms. Steinmetz said the additional language the applicant is proposing for Condition #2 summarizes their understanding of the concerns raised during the public hearing. She said they realize the intent of Condition #2 was not to jeopardize the fundamental operating conditions of the school, but was to address issues of parking, traffic, and noise, but not reduce maximum enrollment or hours, which are critical to the school's tuition, their primary source of income for operating viability.

In response to Vice Mayor Hughes' specific question, Ms. Cheney said the school would prefer change, which they call addition, and no delay.

Vice Mayor Hughes said the Jelich Ranch, the Portola Building, and the Village Square conditions seem more open-ended than the proposed Condition #2 for Windmill. He said those examples allow review for any reason every year, or at any time in the case of Village Square. He said in those instances, modification of the use permit is allowed in any way, one of which states, "including requiring the cessation of the use." He said there seem to be a number of precedents that have this kind of open-ended condition. He said Portola Valley is a small town and there have been open-ended use conditions in cases where potential issues are unknown.

Ms. Cheney said the Village Square CUP relates only to outdoor patio seating at the restaurant, a very specific aspect of the CUP, not the entire CUP. She said the Jelich Ranch CUP refers only to the educational use, something that Cindy White had wanted, but it was not integral to the operation of Jelich Ranch and was more of a side hobby. Ms. Tate said the proposed educational use at Jelich was not fully defined, and there were not traffic and parking consultants, etc. Ms. Steinmetz said all of those CUPs allow for modification if necessary and there is no standard imposed like the standard being proposed for Windmill. She said her interpretation is that since there really isn't a standard, that the standard is as necessary to comply with the CUP conditions or the Town Municipal Code, which brings it back to Condition #29 and the existing Municipal Code, which allows for any CUP to be reviewed and modified or revoked if the CUP is not meeting the conditions.

With regard to the Portola Building, Ms. Cheney said it was a series of CUPs because it appears there was a nonconforming use (a bar). After another five years, there were residences that had never been brought into conformity. She said they consider it a one-off CUP because there were underlying issues that are completely different from the school's situation. Vice Mayor Hughes said he understood that, but that CUP was an example open-ended regarding situations that could trigger a review. Ms. Steinmetz said the standard that would need to be applied there is as necessary to bring that use into compliance with its own CUP conditions or into compliance with the Municipal Code. She said even if it was not interpreted that way, the review was limited to certain aspects of the business as opposed to the business as a whole. Vice Mayor Hughes said the Portola Building condition was not restricted to anything, it could modify any part of the plan, and it will be placed on the Planning Commission calendar annually unless waived. He said the condition looks to be very broad and asked why the school does not think it is as broad as the school's Condition #2. Ms. Cheney said there was a non-conforming use on the property with no plan to fix it at the time. She said it was her understanding, in reading those documents, that there were three separate versions, with terms of five years each. She said a non-conforming use is a different starting point. Ms. Tate said the language in the Portola Building condition is the same as the school's Condition #4, which is an annual report to the Planning Commission showing they are in compliance with

the CUP. In response to Vice Mayor Hughes' question, Ms. Tate confirmed that she considered "reviewed" as reporting on and assessing as opposed to modifying.

Councilmember Aalfs said the Fogerty Winery CUP was dated July 7, 2010, and asked if that was when the condition was added to it. Planning Director Pedro said that date was when it was last amended, so the condition could have carried over from previous versions of the CUP.

Councilmember Wengert said the traffic report talked about daily traffic flows. She said she is less concerned about the daily average than the time periods when the school is likely to have most of their people entering and exiting the site. She said the commentary in the report dealt much more with daily averages as opposed to peak and rotating daytime hours during the week.

Ms. Cheney introduced their traffic consultant, Gary Black, with Hexagon. Mr. Black said both daily and peak hour statistics are included in the report. He said their conclusion was, with either daily or peak hour, there is sufficient capacity on Portola Road to accommodate the driveway traffic without undue delays to existing traffic on the road or traffic getting in and out of the parking lot. In response to Councilmember Wenger's specific question, Mr. Black said the current morning peak hour volume on Portola Road is about 450 vehicles in both directions and the evening peak hour volume is about 500 vehicles in both directions. He said the typical school day would add up to 132 vehicles in the morning and 90 in the evening, and the capacity of Portola Road is 750.

Councilmember Wengert said the school's legal advisor showed a number of things that the Council had not viewed in that same format before. She said these are all very important points and it is important that the Council have adequate time to review them. She said they are related specifically to the CUP and the changes the school is asking the Council to make to the recommendation coming from the Planning Commission.

Ms. Tate said most of the material shown was also in the agenda packet the Council received, but it was so many pages it got a little buried. She said the only piece that was added was the queuing and driveway safety performance standard. She said all of the other items were part of their discussion with staff and were in the agenda packet.

Councilmember Wengert specifically referred to the two letters that arrived over the last week and said what was shown in the slides tonight was slightly different. She said it appeared to be a compilation of the various asks, which is extremely critical for the Council to understand relative to what it is the school is asking the Council to approve tonight. She said it is difficult to react to at this point because tonight is the first time the Council has seen it in exactly this format. She said she wants to ensure that the Council is comfortable that they've had enough time to analyze it and that they're all very clear on it, because it is complex and has large ramifications, given the Planning Commission has already approved and recommended something and it is now before the Council to act on.

Ms. Cheney said they do appreciate it is hard to know what to focus on in a 400+ page document. She said that is why they sent the additional letter yesterday. She said they have been meeting regularly with staff since the Planning Commission hearing of July 20. She said the school's requests have been consistent. She said nothing has changed in terms of what they are requesting except for adding the parking queuing language, which is actually an additional restriction offered by the school because they thought the Town would appreciate it.

Ms. Steinmetz said it was requested that Exhibit A to the Conditional Use Permit be replaced with the table that had been reviewed by the Planning Director. Planning Director Pedro said the table was intended to clarify what is in Exhibit A and it would be part of the Conditional Use Permit. Ms. Steinmetz said #1 was the same language as in their September 8 letter; #3 was the same as what is in the packet; and #4 is being offered because it was brought up as a suggestion.

Town Attorney Prince said the table was intended to accurately reflect what was in the summary, which was attached as Exhibit A to the recommended Conditional Use Permit from the Planning Commission. She said the things that were added relative to the life events were just meant to be an addition. She said the substance, other than what was highlighted, was just a reformatting of what was already in Exhibit A.

In response to Councilmember Richards' question, Town Attorney Prince said a performance standard, from CEQA perspective, is usually a quantifiable metric that you can measure the performance of what is usually a mitigation measure. Councilmember Richards asked if that would be added to the CUP in more detail. Town Attorney Prince said it is not in the recommended Use Permit but it could be added as an additional condition with a new number.

With no further questions, Mayor Derwin opened the public hearing. Mayor Derwin shared the public decorum policy and advised that each speaker would have a three-minute limit.

Noel Hirst, Windmill board member, Capital Campaign advisory board member, 240 West Floresta Way, Ladera. She said her oldest son is a junior in high school and spoke to the Council in July, expressing how important Windmill was to him. She said both of her sons attended Windmill, and went on to play sports and go to school with many Portola Valley kids they met at Windmill. She said Windmill creates a volunteer spirit in the community that impacts Portola Valley as well as the sphere of influence, as evidenced by all the people in attendance tonight supporting the school. She said Windmill has been a play-based preschool here for 60 years. She said many of the families' first close relationships were developed at Windmill and have continued. She said it is so important to all the parents in the community created by Windmill that the school continue and be able to operate their business. She is hoping the Use Permit is not conditioned to the point where the school is strangled and cannot operate, or creates a problem for operations and fundraising.

Jodi Cocconi, Director, Windmill School. She said she has been at Windmill almost 20 years as an educator. She said they would not be objecting to this condition if it wasn't a precedent. She said this discussion is occurring because Condition #2 came up out of the blue. She wanted to remind everyone they are nonprofit and they are providing an amazing service and adding to the standard of excellence of education in the community. She said a couple of weeks may not seem like a lot of time to the Council, but she also pays the school bills and said they have already paid double attorney fees plus their own attorney. She said this will cost them another \$10,000 if they have to come back before the Council in two weeks or a year. She said that is a lot of uncertainty for their small school and their volunteers.

Nate McKitterick, Portola Valley Planning Commissioner. He said he's been on the Planning Commission for 12 years and spent years as a Town volunteer before that. He said does not intend to ask for reappointment to the Planning Commission next year. He said Planning Director Pedro has done a great job taking planning to the next level and the current Planning Commission is fantastic and headed in a good direction. He said Planning Director Pedro will take her input from the Town Attorney, from Planning Commissioners individually, from the Planning Commission as a body, but the buck stops with the Town Council. He said, setting aside the Windmill application, a couple of aspects of this process, including Condition #2, bothered him.

Planning Commissioner McKitterick said Condition #2 is unprecedented. He said he looked at all of the CUPs provided as examples, and said there has never been a CUP so open-ended as to allow adding conditions or rights a year after operation. He said he voted on all but one of those listed CUPs and recalls the hard choices that were made. He said with Roberts Market the issue was trucks making very early-morning deliveries. He said that had never been done in Town before and there was concern it might present a problem, so they reserved the right to reopen that issue. He said he would like to see the Town Council discourage leaving CUPs open-ended. He said he thinks the Town will get hard pushback if they tried to do that with a for-profit applicant.

Planning Commissioner McKitterick said he disagreed with the staff report where it said the other CUPs “had similar use permit provisions.” He said they are not similar. He said they specified review for conformance or compliance with the CUP or a specific aspect of the CUP. He said Sausal Creek had a five-year permit, and that was a long time ago. He said he couldn’t figure out the 1981 Portola Valley Kitchen CUP which said the CUP could be reviewed for anything, with special attention to parking. He did recall, however, that there was a lot of sensitivity in Town regarding another bar or restaurant operating at Village Square. He said that kind of open-ended provision was never repeated again.

Planning Commissioner McKitterick said that he was bothered with the idea that because the applicant did not object before the Planning Commission to the new language that was added by staff, that somehow makes their objection less worthy. He said the Town should not take the position that because an applicant does not object before the Planning Commission hearing they have somehow denigrated their rights.

Planning Commissioner McKitterick said, setting aside the specific application, he would like to see guidance from the Town Council regarding these general issues.

Todd Scheuer said he went to Windmill School about 37 years ago, which was a great experience, and all three of his children have also gone to Windmill. He said his wife is from the East Bay and when he moved his family back to Portola Valley six years ago, Windmill School is what made it come together for them. He said being able to make it back to live in Portola Valley, start over again with new friendships and new families, and have a place like Windmill is really what made it a great experience for his family. He said he can’t imagine the friends and relationships they have recreated could have happened just by visiting Town Center or the clubs. He said the foundation of the friendships that his family enjoys really started at Windmill.

Bud Eisberg. He said he was there to support the application as a Windmill parent, a member of the community, and as a neighbor. He said he and his wife have been supportive of the project since the school and nursery owners presented the proposal back in 2011. He said the applicant has always solicited the neighbors’ input. He supported the school’s request for relief on the way Condition #2 is written. He said there was a lot of discussion about parking on Portola Road at the Planning Commission meeting. He said overflow parking occurs almost daily with the churches and Village Square. He said he doubts the Town looks at how many events the churches host. He said Windmill School is not an event center.

Kristen Cheng. She said her three-year-old son attends Windmill and she intends for her 10-month-old son to eventually attend Windmill. She said her family is at the tail-end of a remodel on Willowbrook. She said the delays, the Town politics, and the process has cost them an additional \$40,000-plus, and her project was minor compared to the school’s project. She asked that the Council not delay this any longer. She said she wants her sons to be able to attend Windmill next August. She said the current wording of Condition #2 puts Windmill in jeopardy legally and financially. She said Windmill’s proposed modification of Condition #2 is not dramatic and the school wants to be good neighbors.

Olivia Cheney, 11 years old. She said she went to Windmill. She said her mother gets 10,000 phone calls a day and her email box has 20,000 emails. She said at least two-thirds of those emails and phone calls are about the Windmill project. She said if the Council approves this application today, there will probably be less phone calls, which would make her life easier, her mother’s life easier, and probably the lives of everybody in the room.

Katie Conley, 10 years old. She said she is a Windmill alumna. She said she likes cooking now and cooked for the first time at Windmill. She would like other kids to have the same opportunity because she loved the teachers and still remembers the gold chime the teachers would ring for recess. She said she loved her experience there and encouraged the Council to approve the application.

Nicholas Targ, 80 Hayfields Road. Mr. Targ said he was there in his personal capacity and not as a Planning Commissioner. He did point out, however, that no one on the Planning Commission opposed Windmill's applications. Mr. Targ said he understands the concerns that Windmill has with the more open ended condition. He said using a performance standard approach provides the ability to define what it is that the Town seeks to enforce, creates a standard for it, and creates an opportunity on an ongoing, in-perpetuity basis, to have those conditions considered. He said his opinion is that taking a performance standard approach is appropriate.

Lyndsay Lyle, Windmill Co-President. She said she has brought her children to previous meetings and has previously shared her story about moving to Portola Valley and feeling isolated, with Windmill being the place that established Portola Valley as a community for her. She said it is where she developed her love of the Town and established Portola Valley as the place she wanted to raise her children. She said that as someone who has donated a lot of money and someone who has two young children, the fact that this process is requiring continued questions and continued clarification gives her a lot of unease and concern. She says she hears a lot of the same unease from other parents. She said she would love to leave this meeting with the assurance they will have the school.

Olivia Nottebohm, Windmill Board Member. She said they only need \$4,000 to be able to provide a pay raise to their teachers, but they can't do it. She said it is very emotional to see where they are in this process when they have teachers that care so much and have gone without raises for two years now. She said there are real repercussions to any further delay. She said she does understand the good intentions and that no one wants to make a mistake. She said their 400-page document shows good intent and the attempts to address all the concerns and all the possible issues that may evolve and develop. She asked that, out of respect for the teachers and their school budget, this matter be approved quickly so they can move forward.

With no further speakers, Mayor Derwin closed the public hearing and announced a five-minute recess.

Mayor Derwin brought the topic back to the Council for discussion. Mayor Derwin told the Council she would like to find a way to get this legally approved tonight.

Councilmember Richards said the incredible time and effort put into this is obvious. He said it is clear that no one has a problem with the school. He said he was a student in a preschool in 1953 run by Ruth Cole, a long-time Town resident, in her home. He said Ms. Cole worked with Sharon Reichert when Windmill started. He said the school has a rather ambitious but fabulous plan. He is concerned with some of the ancillary activities and events that are not very well defined. He said by adding Condition #2, he believes the Planning Commission was trying to give the school more flexibility in moving forward without having to flesh out, define, and condition the ancillary activities and events up front. He said he does understand the school's concern with Condition #2 as it might apply to fundraising and uncertainty about the future of the school. He said he personally does not think that is really an issue, but he can see how that might be a concern legally. He would like to move forward by adding language to Condition #2 indicating that the review would be primarily focused on the additional events that are not yet defined, primarily the Windmill-sponsored Family Center events and the Family Education Center Community events.

Councilmember Aalfs thanked everyone who has participated in this process for the last several years. He said there is a lot of support from the community. He said he is the parent of two Windmill alumni children and supports the school as well. He also would like to see this resolved tonight. He reiterated what Town Manager Dennis pointed out, that the permit application has been turned around in six months from the time the Town received the completed application until tonight, with a lot of the credit going to Planning Director Pedro and Planner Richardson. He agreed that the Council should be able to come up with a modification for Condition #2. He said the special events are a concern. He supports the idea of the performance standard for the parking. He said parking is largely enforceable, the noise is already a performance standard, and the performance standard suggested for traffic would address the possibility

that there's just too much going on in that parking lot at certain times and could be addressed later. He suggested they could add to Condition #2 that would leave the preschool use largely outside the scope of the review with the focus being on the special events.

Councilmember Wengert said she is very excited and looking forward to seeing Windmill at 900 Portola Road. She said it will be a fabulous addition and the school will have a fabulous new home. She said there is no question the Council supports it and the staff supports it, but now they are just trying to get through the details of how to do it. She said the two potential amendments suggested by Windmill probably don't make sense to the effort to get this completed tonight. She said she knows the school's concern regarding the Town's open-ended right to review everything within a year, which compromises the school's ability to potentially raise capital, which was not the intent of Condition #2. She said the condition was designed to give the Town the opportunity to address whatever issues arose. She said it is a fabulous school and schools are changing and Windmill is changing with it. She said Windmill is adopting and adapting much more of a community orientation, much broader programming, etc. She said the concern is that nobody is quite sure exactly how much of an impact that will have. She said in an effort to move this forward, it should be brought down to the issues of concern – parking, traffic, and noise. She said she didn't think there needed to be changes or additions to Condition #4, as long as the understanding is very clear that if there are violations, the Town always has the opportunity and right to come in and look to correct it, but also to potentially address it, as the Town does with the Priory. She said the Priory comes in every year and the head of the school is always concerned about the Council looking at the total number of students, yet the Council has never had a problem with it because the whole intention of the Conditional Use Permit is to solve problems, not to revoke the permits. She suggested they could add to the existing Condition #2 with very minimal language regarding the additional events. She said the community events and intensity of use are the biggest question marks. She said the school has a lot planned and a lot of operating hours. She said the operating hours would be a reasonable thing to revisit, and only in the case where the school was getting massive complaints from neighbors. She said that is not likely, but no one knows yet, which is why enough flexibility should be incorporated into the CUP so that the Town and the school are able to address it. She said she would anticipate that the school will be a good citizen and will address any issue before it comes to the Council for resolution. She said she is confident that adding language to Condition #2 will help the school get over any fundraising hurdles that they feel may be compromised by it.

Vice Mayor Hughes said that everyone in Town is pleased that the application is getting close to the finish line. He said the applicant should not be concerned in any way that the Town does not want their school to be successful at this location. He said Condition #2 is quite broad, but he sees a distinction between what the Planning Commission could do and what the Planning Commission is actually ever likely to do. He said it is very unlikely they would modify any substantial portions of the CUP, even under the existing language. He said if that ever did happen, he'd be very surprised if the Council and Town residents didn't get very upset and it would be fixed. He said the Council should be able to tweak or clarify the intention of the Planning Commission. He said his concern is procedural, related to the ordinance regarding modifying a CUP and having to send it back to the Planning Commission. He said the Planning Commission very specifically discussed modifying or removing Condition #2 and they voted very specifically to keep it and not add any restrictions to the scope of it. He is not sure how much scope the Council has in order to modify Condition #2. He said the Council is excited about the project and wants the school to be successful in this new neighborhood, with this new use that hasn't been there before and that's quite different from what Al's Nursery used to be. He said it adds a certain amount of traffic and parking and other issues in an area that is already busy, and at times overflows parking onto Portola Road, but he thinks it can all be worked out and the school is very likely to do that. He said, given the novelty of the use on the site, he understands why the Planning Commission wanted to leave it generally open – to be able to tweak the conditions for unanticipated issues. He said as long and arduous as the process has been for the applicants, he does think staff and the applicant working together have been very productive in moving the process forward in effectively record time. He said sending it back to the Planning Commission could get a better condition, but would result in further delay. He said he is leaning

toward coming up with something that is clarifying and that gives the applicant more comfort. He would prefer clarifying the intention outside of the CUP versus modifying the language. He said the applicant needs to trust that the Town Council and the Planning Commission understand the position of the applicant and residents of Portola Valley, and that we're all working toward the same goal. He said because of how the Planning Commission acted when considering this condition specifically, he would think it should be sent back to the Planning Commission if the condition is modified at all, under the Town's ordinance.

Town Attorney Prince said the Conditional Use Permit is what is being discussed tonight. She said any understanding that is created should be crafted within the confines of the CUP and not an outside agreement, so that moving forward all the parties have clarity as to what is expected. Relative to what is an addition and what is a modification, the Council can conclude, based upon the record before them, that the intent was not to touch the preschool maximum student enrollment or number of teachers. She said she heard concerns relative to hours of operation relative to events, and there is probably evidence in the record that adding limitations to the one-year review relative to traffic, parking, noise, and maybe hours of operation, is an addition that clarifies what was intended by the Planning Commission, so would not have to be sent back as a modification. She said she acknowledges the concerns because staff has also struggled with it. She said she talked to the former Town Attorney, Sandy Sloan, who reminded her of George Mader who put this into the Town Code. She said this is part of the Town ethos that we like to have consensus building and to have everybody review and think very carefully about things. She said she understands that concern, but she thinks the Council can make the determination that there are specific additions that could be added to Condition #2 and perhaps other Conditions, that could be considered additions and not modifications.

Councilmember Wengert agreed with the Town Attorney. She asked if there were other issues the staff felt were of concern. She said she wanted to make sure the Council was prescribing it enough so that Windmill knows the issues that are the greatest focus. She said the Town only wants to make sure the school is working as well as they can work at the end of the first year, particularly considering the variety of use, the new use, and the intensity of use in a relative small space.

Town Manager Dennis said, per the staff report (Page 9, Parking) the area identified as possibly needing clarification or an additional condition was parking – “Additional conditions may be necessary to require that events under 76 persons be limited by the number of parking spaces available on site.” He said, in part, they referenced Condition #12, for which Windmill offered changes. He said staff felt the language offered by the applicant helped, but staff suggested a clarification – instead of “Windmill will use all reasonable efforts to arrange weekend classes ...” staff suggested “Windmill shall arrange all weekend classes ...” He said they had no specific suggestions related to any of the other conditions.

Planning Commissioner McKitterick said the Planning Commission talked about the parking issue, trying to come up with standard guidelines or rules. He said in talking to Planning Commissioner Targ, and looking at the minutes, some Commissioners had general concerns about parking, traffic, and non-school events. He said they discussed trying to modify the conditions about parking and traffic and the consensus of the Commission was that they'd rather not include something specific and would rather have something more general. He said that ultimately led to the vote against his motion to modify Condition #2. He said if the Council was to add to or clarify Condition #2, those three considerations – parking, traffic the after-school events – were the ones that were getting that kind of attention from the Commission.

Town Manager Dennis reminded the Town Council that the notes for those meetings are included in the staff report.

Ms. Tate asked if the after-school events referred to the third and fourth table in the matrix. Planning Director Pedro said there were two types of non-school events – the Windmill-sponsored classes and the community use of the facilities.

Hearing no additional comments, Mayor Derwin said the Council will discuss Condition #2, Condition #12, and the traffic queuing standard suggested by the applicant.

Commissioner McKittrick asked if Town Attorney Prince had suggested language for the traffic queuing standard. Town Attorney Prince said she could use the applicant's proposal as a starting point, but it would need some tweaking.

Mayor Derwin called for a short recess.

Town Attorney Prince shared the proposed added language to the CUP.

Mayor Derwin called for comments.

Ms. Steinmetz said their intent for including the last sentence of their suggestion regarding Condition #2 – “Any subsequent review of the Conditional Use Permit following the Planning Commission hearing pursuant to this Condition no. 2 shall be governed by Condition no. 4 and Condition no. 29” – was to prevent the Planning Commission from adding a condition at that time that the CUP be subject to continued reviews.

In response to Councilmember Wengert's question, Town Attorney Prince read Conditions #4 and #29 aloud. In response to Ms. Steinmetz' comments, Town Attorney Prince said Condition #4 is an FYI item and Condition #29 would only come into play to modify the use permit if there was a modification or revocation proceeding if the applicant was found to be in violation of the existing conditions. She said the applicant seemed to be concerned that upon the Planning Commission's review in a year, the Planning Commission may say that because all the uses anticipated aren't actually in operation yet the applicant needs to bring it back in a year for another review.

Councilmember Wengert said the question is if the school is slow in ramping up all of their outside community activities, and it takes a few years to get it all in place, does it make sense to look at those activities when they are fully operational. Councilmember Wengert said she was comfortable with including the sentence suggested by the applicant. She said there are overall limitations already in the CUP, so even if it's three years down the road and the school is having many more events, they will be subject to the principal limitations as outlined in the remainder of the CUP.

Vice Mayor Hughes said because the Planning Commission can modify any condition, they could modify it and take out that last sentence if they want to a year from now, so it does not really provide the applicant a lot of protection. He said he was agreeable to including that last sentence.

Mayor Derwin confirmed with the Council and the applicant that they were comfortable with the proposed language.

With regard to Condition #12, Town Manager Dennis said staff felt the wording was not a condition and it needed to have more weight, so they suggested the change from “will use all reasonable efforts to arrange” to “shall arrange.”

Ms. Steinmetz requested to delete the language “over 75 people” to allow them the opportunity to also arrange for off-site parking for smaller events. Town Manager Dennis said the way the current CUP is constructed, there are specific conditions related to making parking arrangements for large events, but the CUP doesn't exclude Windmill from making those arrangements for cumulative events. He thinks by

deleting that line, it would delete the Town's intention, which was to ensure that other than the events that already have conditions, that the on-site parking would be utilized. Vice Mayor Hughes said he understood it to say if the applicant has one or a number of small events, as long as they make arrangements for off-site parking, then they don't need to park on-site, for any size event. Ms. Steinmetz said they would like it to read, "This shall not apply to events for which the school has made off-site arrangements." She said Condition #14 specifically addresses the larger (over 75) events. Planning Director said the difference is that Condition #14 requires the school to report to the Town and offer evidence of making arrangements. Ms. Tate said if they've arranged parking arrangements for smaller events, she did not think they needed to provide evidence unless there is a problem. Planning Director Pedro said the intent is the parking on-site should be adequate to provide for all of Windmill's events, except for the five large events.

Town Attorney Prince said the Counsel must make the finding that the site for the proposed use is adequate in size and shape to accommodate the proposed use and all yards, open spaces, walls, fences, parking, loading, landscaping, and other such features as may be required. She said staff was pointing out the need to provide adequate parking on-site and asking if the Counsel was comfortable with the idea that smaller events of less than 75 people would also use, potentially regularly, other parking lots in Town. Ms. Tate said they may have an event in conjunction with one of the churches, or vice versa, and they would like to be able to share parking in a casual, neighborly fashion. She said they want the flexibility to be able to work with their neighbors. Vice Mayor Hughes suggested deleting "over 75 people" and "per Condition #14." Town Attorney Prince said if that is the intent, other modifications need to be made to that language.

Town Manager Dennis said staff believed the current conditions did not preclude opportunities for Windmill to make parking arrangements for cumulative events, for example, a number of events going on simultaneously. He said the change does not address the staff's concern. He said, for example, if the school had two classes going on at the same time that get above 50, but below the amounts that are already conditioned, parking arrangements would have to be made multiple times over the course of a year. Based on what Town Attorney Prince shared relative to the findings, staff felt their suggestion was closer to the finding the Council needs to make. Vice Mayor Hughes said if the school made arrangements, then it would de facto mean that the parking was adequate. Town Manager Dennis agreed, but said those arrangements could be made every day to make the finding. He said that is the question back to the Council. Mayor Derwin asked why it would be a problem for the school to call the church next door and ask to use their parking. Town Manager Dennis said the question is not about the opportunity to make the phone calls and create arrangements, it's whether or not there is adequate parking on-site for the use that is being proposed. If the school has to make arrangements more than a handful of times, then the finding is more difficult to make. Vice Mayor Hughes said that parking can be considered to be adequate by making other arrangements. Town Attorney Prince said it is within the Council's discretion to make a finding based on what they think is appropriate.

Councilmember Wengert said she shared some of Town Manager Dennis' concern, that longer term, if this becomes a systemic problem, the Town has the ability to address it as a condition of the annual review. Town Attorney Prince said if the school has trouble making alternative arrangements and parking is spilling out onto Portola Road or the neighborhood, they would technically be in violation of local laws that prohibit that and the Town could issue a notice of violation.

Mayor Derwin confirmed with the Council and with the applicant that all were comfortable with the proposed language of Condition #12.

Town Attorney Prince said an additional condition, Condition #32, will say: "Vehicle turns entering or exiting the school shall not significantly impede the flow of traffic on Portola Road or otherwise create any unsafe driveway condition." Vice Mayor Hughes confirmed with the Town Attorney that it was allowable

to add a condition without bringing it back to the Planning Commission. The Council was agreeable to the language.

Councilmember Aalfs moved to Adopt a Resolution of the Town Council of the Town of Portola Valley Adopting the Mitigated Negative Declaration for the Windmill School and Family Education Center X7D-177. Seconded by Councilmember Richards; the motion carried 5-0.

Councilmember Wengert moved the First Reading of Title, Waive Further Reading, to Adopt an Ordinance of the Town Council of the Town of Portola Valley Amending the Town Center Area Plan Diagram of the General Plan and Amending the Zoning Map to Reclassify 900 Portola Road. Seconded by Councilmember Aalfs; the motion carried 5-0.

Councilmember Richards moved Adopt a Resolution of the Town Council of the Town of Portola Valley Approving a Conditional Use Permit for the Windmill School and Family Education Center X7D-177, subject to clarifying the chart in Appendix A, and adding conditional language in Conditions #2, #12, and #32 and. Seconded by Vice Mayor Hughes; the motion carried 5-0.

Vice Mayor Hughes moved to Adopt a Resolution of the Town Council of the Town of Portola Valley Approving a Variance for the Windmill School and Family Education Center to Construct an 8' Tall Sound Wall. Seconded by Councilmember Richards; the motion carried 5-0.

Councilmember Aalfs moved to Adopt of a Resolution of the Town Council of the Town of Portola Valley Approving a Site Development Permit for the Windmill School and Family Education Center X7D-177. Seconded by Councilmember Wengert; the motion carried 5-0.

(8) Report by Planning Director – Update on Plan Bay Area 2040

Planning Director reported that ABAG and MTC just released the Draft Preferred Scenario for PLAN BayArea 2040 which contains household and job growth projections for bay area cities and counties through the year 2040. For the Town of Portola Valley, it is estimated that there will be an additional 50 households and 300 jobs added in the next 20-25 years. Staff will be attending a workshop for San Mateo County Planning Directors on September 20, 2016 as well as meeting with ABAG staff on September 29, 2016 to refine the numbers and make sure they are as accurate as possible. Staff will provide updates to the Council at a future meeting.

(9) Recommendation by Sustainability and Special Projects Manager – Review and Adoption of Amendments to the Environmentally Preferable Purchasing Policy

Sustainability and Special Projects Manager Brandi de Garmeaux presented the staff report regarding proposed amendments to the Environmentally Preferable Purchasing Policy (EPPP). She said staff was recommending adding “Practices” to the title of the EPPP and amendments that both broaden and clarify its scope. The proposed amendments are as follows:

- Codify measures that are required and/or suggested by the Green Building Certification which are already in place;
- Refer to accepted standards of compliance for ease of reference and implementation;
- Add two additional measures that are consistent with best practices – requiring employees to shut down their computers at the end of the workday and looking for opportunities to reduce energy and water consumption based on review of utility use data;

- Add a new section on Town-sponsored functions and events to bring these activities in congruence with Town policies;
- Provide the policy to contractors, instructors, and vendors to increase their awareness;
- Require cleaning and pest control contractors to outline how they will comply with the policy, due to the high volume of products and services they provide to the Town; and,
- Provide the policy to all new and existing staff, electeds, and contractors to further increase awareness;

She said that adopting these amendments to the EPPP will not only further the Town's sustainability efforts, but will also serve as an example and model to other communities.

Mayor Derwin called for questions from the Council.

Councilmember Richards asked if staff would be providing event organizers with some kind of template to use for their action plan submissions. Ms. de Garmeaux said that as part of the follow-up to the amendments, Adrienne Smith will be developing a simple guide.

Councilmember Wengert asked if the Town would lose some vendors who are unable to comply due to not being comfortable with or having the resources to deal with the additional layer of work. Ms. de Garmeaux said staff was sensitive to that concern. She said originally she was asking all vendors and contractors to outline how they would comply. She said at this point, with exception of the cleaning contractor and the pest control contractor, they will only be asked to review it and they will not be required to outline how they will comply. Vice Mayor Hughes asked if staff had talked to the current vendors. Ms. de Garmeaux said they are about to renew the Town's contract with the cleaning contractor and are working extensively with them. She said the Town provides all of the products to the cleaning contractor, so it will just be a matter of them using what the Town provides. Town Manager Dennis said the cleaning contractor's new compliance officer met with staff today to work through these things.

With regard to Section 3.4.7, Councilmember Richards asked if building utility use data into the EPA's online Energy Star Portfolio Manager could be voluntarily extended to the community to get more Town buildings into the database. Ms. de Garmeaux said that was probably beyond the scope of this policy, but it was something that staff could encourage through other mechanisms, such as the Green Building Ordinance.

Councilmember Wengert asked for clarification of Section 3.10.7.2. Ms. de Garmeaux said, for example, there is sugar in a glass jar in the break room instead of individual sugar packets. She said don't use individual packets at their events or in the breakroom and set an example, where practicable.

Councilmember Richards moved to approve the Adoption of Amendments to the Environmentally Preferable Purchasing Policy. Seconded by Councilmember Aalfs; the motion carried 5-0.

(10) COUNCIL LIAISON COMMITTEE AND REGIONAL AGENCIES REPORTS

Councilmember Richards – Attended the Emergency Preparedness Committee meeting on September 11, where they discussed the radio training for staff, a September 30 meet and greet to recruit healthcare workers in Town, and continued discussion about changing microwave to satellite phones. He said the Cultural Arts Committee did not have a quorum. He attended the ASCC meeting on September 22 where they reviewed a site restoration and a fairly small new home on Alpine, and received an update on the

Lauriston restoration project. He attended the Conservation Committee meeting where the Town Manager discussed the new water regulations with regard to the Town fields. Councilmember Richards said the Conservation Committee also discussed wells and poisonous bait. He said Jean Eastman, a long-time Committee member, will be stepping down.

Councilmember Wengert – Attended a San Mateo County Representatives for Select Committee meeting on September 6 in Redwood City. She said the Committee discussed issues the community is most affected by and for the first time discussed potential compromise solutions and other alternate solutions such as parallel routes, alternating days of flying, and alternate routes, which she thinks is a design to implement some dispersion. She said the next meeting is scheduled for September 29. She said the pressure is increasing since the Select Committee work is supposed to be wrapping up in November. She attended a luncheon with Supervisor Joe Simitian, who was very receptive to hearing the issues. Town Manager Dennis said Supervisor Simitian's office reached out to staff and indicated he would be happy to sit down with the Town's consultant at any time to share any additional items.

Councilmember Aalfs – Attended a Planning Commission meeting on September 7 where they reviewed two properties on Santa Maria involving a redistribution of floor areas between the two properties. He also attended a Peninsula Clean Energy meeting and reported that the first customers would be coming on line October 1. He said this will not affect Portola Valley except for net metering customers that will start being transitioning over in October, based on their true-up dates.

Vice Mayor Hughes – Attended a Finance Committee meeting on August 16 where they discussed asset allocations and the investment policy. He attended the Bicycle, Pedestrian & Traffic Safety (BPTS) Committee where they discussed the continued work on Portola Road between Cal Water and WestBay Sanitary, which should be completed by November. He said Cal Water will start repaving the large section of Portola Road on September 19, which will require traffic control. He said WestBay Sanitary are doing Portola Road tie-ins for the new pump station from September 19 through September 30, which will also require traffic control. Town Manager Dennis said a notice has been sent out to the community to let people know about it. Vice Mayor Hughes said the Chair of the BPTS Committee, who was appointed to the Ad Hoc Committee regarding the Windy Hill parking situation, gathered input from his Committee to share with the Ad Hoc Committee. He said at the Cable and Undergrounding Committee meeting they discussed Rule 20A. He said PG&E has applied to change the rules for 20A projects to make them more PG&E-friendly, and Hayward is petitioning the CPUC to try to revert collection. The Committee voted to recommend the Town withdraw from SAMCAT, which is a JPA that was formed many years ago to allow SAMCAT to negotiate cable franchise agreements. He said SAMCAT has been effectively defunct for many years but has never actually been dissolved. He said this issue will likely show up on a forthcoming Council agenda. The Cable and Underground Committee also discussed whether there was any purpose to them continuing their operations. Vice Mayor Hughes said the Committee decided they were not completely ready to disband, but will start thinking more about their future purpose.

Mayor Derwin – Attended two C/CAG meetings, where they discussed the US Department of Energy grant for alternative fuel vehicles for 13 cities, of which Portola Valley is one. She said Safe Routes to School gave a presentation and a new committee coordinator was announced – Theresa Vallez-Kelly. She said the Legislation Committee approved two letters to support transportation bills. She said there was a presentation of the County-wide transportation plan and a comprehensive long-range transportation strategy document, and they have requested all cities to comment. There was a call for projects for OBAG to look at bicycle improvements. She said the Housing Committee succeeded in getting a screening requirement related to anti-displacement policies on the scoring criteria. She attended the C/CAG Finance Committee meeting where they reviewed the monthly investment statements and report and recommended approval of the investment policy update. She said they directed staff to get information from PFM, an asset management company, because Burlingame is now looking into PFM trying to get a higher yield. Mayor Derwin also attended Sheriff Munk's retirement party. She and Town

Manager Dennis also met with the new Sheriff, Carlos Bolanos. She attended interviews all afternoon to select a new poet laureate, which was selected but not yet announced.

(11) Town Manager Report – Town Manager Dennis reported the Town has been officially permitted for the vernal pool. He said the new Associate Planner, Arly Cassidy, has started work with the Town. He said the Windy Hill Parking Signage Ad Hoc Committee is expected to meet the week of September 26, coming back to Council shortly thereafter. He said they will send out one more notice next week regarding the Town Center Master Plan survey, which will be closing on September 20. He said they have received a number of responses and a diversity of opinions. Town Manager Dennis spoke at The Sequoias, where he said mostly all of the questions and discussions were about housing. He said all Committees were given new stationery with their Committee names on the bottom. He said Lt. Mark Kuykendall has been reassigned to the jail and Lt. Christina Corpus will take his place. He said a meet and greet is being arranged with all deputies that serve in Town and he has invited Woodside Town Manager Kevin Bryant to attend.

WRITTEN COMMUNICATIONS

(12) Town Council Digest – August 12, 2016

#7, Invitation to Council of Cities Dinner Meeting on Friday, August 26, 2016. Mayor Derwin announced that Portola Valley is hosting the September Council of Cities Dinner Meeting.

(13) Town Council Digest – August 19, 2016

#5 and #6, Reports from San Mateo County Sheriff's Office. Town Manager Dennis said staff is now sending e-notices to interested parties for the reports from the Sheriff's Office.

(14) Town Council Digest – August 26, 2016

(15) Town Council Digest – September 2, 2016

(16) Town Council Digest – September 9, 2016

ADJOURNMENT: 11:15 pm

Mayor Derwin adjourned the meeting in memory of Richard Gordon, who died on September 12.

Mayor

Town Clerk