



# TOWN OF PORTOLA VALLEY

7:00 PM – Regular Meeting of the Town Council  
 Wednesday, January 9, 2019  
 Historic Schoolhouse  
 765 Portola Road, Portola Valley, CA 94028

## REGULAR MEETING AGENDA

### 7:00 PM - CALL TO ORDER AND ROLL CALL

Councilmember Richards, Councilmember Hughes, Councilmember Derwin, Vice Mayor Aalfs and Mayor Wengert

### ORAL COMMUNICATIONS

Persons wishing to address the Town Council on any subject may do so now. Please note however, that the Council is not able to undertake extended discussion or action tonight on items not on the agenda.

### CONSENT AGENDA

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

1. **Approval of Minutes** – December 12, 2018 (3)
2. **Approval of Warrant List** – January 9, 2019 (7)

### REGULAR AGENDA

### STAFF REPORTS AND RECOMMENDATIONS

3. **Recommendation by Town Manager** – Leaf Blower Ordinance Amendments (20)
  - (a) First Reading, Waive Further Reading and Introduce an Ordinance Adding Chapter 9.10 [Noise Control] of Title 9 [Public Peace, Health, Morals and Welfare] of the Portola Valley Municipal Code (Ordinance No. \_\_)
  - (b) First Reading, Waive Further Reading and Introduce an Ordinance Adding Chapter 8.32 [Leaf Blower Use] of Title 8 [Health and Safety] of the Portola Valley Municipal Code (Ordinance No. \_\_)

### STUDY SESSION

4. **STUDY SESSION - Report by Town Manager** – Future of Road Work; Part 2 (49)
5. **Recommendation by Town Attorney** – Consider Adoption of an Urgency Ordinance Amending Chapter 18.41 (50) of the Portola Valley Municipal Code Relating to Expedited Permitting of Small Wireless Facilities to Comply with Federal Law
  - (a) Adoption of an Urgency Ordinance of the Town of Portola Valley Amending Chapter 18.41 [Wireless Communication Facilities] of the Portola Valley Municipal Code (Ordinance No. \_\_)
6. **Recommendation by Town Manager** – Purchasing Policy Council Subcommittee (104)
7. **Recommendation by Town Manager** – Formation of Subcommittee for Committee Support (105)
8. **COUNCIL LIAISON COMMITTEE AND REGIONAL AGENCIES REPORTS** (106)  
 Council arising out of liaison appointments to both in-town and regional committees and initiatives. *There are no written materials and the Town Council does not take action under this agenda item.*
9. **TOWN MANAGER REPORT** (107)

### WRITTEN COMMUNICATIONS

10. **Town Council Digest** – December 13, 2018 (108)
11. **Town Council Digest** – December 20, 2018 (125)
12. **Town Council Digest** – January 3, 2019 (140)

## **ADJOURNMENT**

### **ASSISTANCE FOR PEOPLE WITH DISABILITIES**

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

### **AVAILABILITY OF INFORMATION**

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

### **SUBMITTAL OF AGENDA ITEMS**

The deadline for submittal of agenda items is 12:00 Noon WEDNESDAY of the week prior to the meeting. By law no action can be taken on matters not listed on the printed agenda unless the Town Council determines that emergency action is required.

Non-emergency matters brought up by the public under Communications may be referred to the administrative staff for appropriate action.

### **PUBLIC HEARINGS**

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

**PORTOLA VALLEY TOWN COUNCIL REGULAR MEETING NO. 959, DECEMBER 12, 2018**

**CALL TO ORDER AND ROLL CALL**

Mayor Richards 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 Mary Ann Moise Derwin, Jeff Aalfs, Craig Hughes; Vice Mayor Ann Wengert; Mayor John Richards

Absent: None

Others: Jeremy Dennis, Town Manager  
Cara Silver, Town Attorney  
Sharon Hanlon, Town Clerk

**ORAL COMMUNICATIONS**

Laura Fanucci, from HIP Housing, presented the 2019 HIP Housing Calendar to the Council. She said Portola Valley winner Julia Lewandowski's drawing is featured for October. Julia lives in Redwood City and is a 5<sup>th</sup> grader at Woodland School. Ms. Fanucci described HIP Housing's outreach activities, home sharing, properties owned and managed throughout San Mateo County, acquisitions of new properties, self sufficiency program, trauma-informed training, and the home sharing conference.

Mayor Richards introduced the swearing in of the three Councilmembers that will start new terms in 2019. Craig Hughes, Mary Ann Moise Derwin, and John Richards, took the Oath of Office.

- (1) Presentation – Certificate of Recognition presented to Cameron Jones for Outstanding Accomplishments in Science and Engineering

Mayor Richards congratulated Mr. Jones on his achievements and presented him with a certificate of recognition. Mr. Jones described his project – the identification of organic molecules in space.

Dr. Forrest Williams, Santa Clara Valley Science & Engineering Fair Association, described their mission to excite and provide opportunity for children in science. He thanked Portola Valley for recognizing this student.

- (2) Presentation – Backyard Habitat Award by the Conservation Committee.

Conservation Committee member Marge DeStaebler presented an award to Delle Maxwell for the re-landscaping of her property that is now completely native, with rock piles for nesting, brush piles, many inhabited bird houses, harvesting rainwater, gray water system, no pesticides, conserving resources while creating a pleasant spot for critters and people, and encouraging habitat to host more wildlife.

Nona Chiariello presented an award to Erika and Loren Walden who live in Portola Valley Ranch. Ms. Chiariello pointed out that the Ranch as a whole received a Backyard Habitat Award and it needed to be determined if this application could be considered. The Conservation Committee decided that gardens of excellence should be eligible for the award no matter where they are located. She said that even by the high standards of the Ranch, this property stood out. She said it is alive with wildlife that benefits from a beautiful habitat with nest boxes, shrubs providing cover for ground nesting birds, a small pond with tiers of rocks, a bat roost, and bee condos. They use no biocides, fertilizers, or irrigation, and hand-water with gray water from their shower. She said the Waldens enthusiastically share their successes and failures with the neighbors and have become ambassadors for the Backyard Habitat program and the values of Portola Valley.

Paul Heiple presented an award to Marge DeStaebler. He described Ms. DeStaebler's efforts in her yard overcoming problems such as sudden oak death and invasives. He said the property is 90 to 95 percent native cover with great diversity.

- (3) Reorganization of the Town Council
  - (a) Election of Mayor
  - (b) Election of Vice Mayor

Mayor Richards said it felt like the dial had been moved on a number of things in town, especially in the ability to connect with town residents, having a good handle on finances, raised importance of public safety, and setting the stage for great progress on housing. He stressed the need to keep the volunteer force intact. He thanked the Town for a great year.

Councilmember Aalfs nominated Ann Wengert for Mayor. Seconded by Councilmember Derwin. The Council elected Ann Wengert as the Mayor of Portola Valley.

Councilmember Hughes nominated Jeff Aalfs for Vice Mayor. Councilmember Richards seconded. The Council elected Jeff Aalfs as the Vice Mayor of Portola Valley.

Mayor Wengert thanked Councilmember Richards for his dedicated leadership this last year, showing great intelligence and reasonableness in approaching all the issues, and setting an example of civility and respect for all points of views and all participants in the civic process. She highlighted the new challenges regarding public safety, emergency preparedness, housing, and sustainability.

**CONSENT AGENDA** [7:27 p.m.]

- (4) Approval of Minutes – Town Council Regular Meeting of November 28, 2018. *[Removed from Consent Agenda.]*
- (5) Approval of Warrant List – December 12, 2018, in the amount of \$174,193.36.

Councilmember Derwin moved to Approve the Warrant List for December 12, 2018. Seconded by Councilmember Hughes, the motion carried 5-0, by roll call vote.

- (4) Approval of Minutes – Town Council Regular Meeting of November 28, 2018. Councilmember Richards moved to Approve the Minutes of November 28, 2018, as amended. Seconded by Councilmember Hughes, the motion carried 5-0.

**REGULAR AGENDA**

**STAFF REPORTS AND RECOMMENDATIONS**

- (6) Recommendation by Town Attorney – Update of Designated Positions and Disclosure Obligations in the Town's Conflict of Interest Code
  - (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Designating Public Officials and Employees and their Disclosure Categories for the Town's Conflict of Interest Code (Resolution No. 2792-2018)

Town Attorney Cara Silver presented a staff report explaining the State Law requirements regarding conflict of interests and financial disclosure. She described the background of the State Political Reform Act and the Analysis of the Town's current local conflict of interest policy. Staff recommended that the Town Council adopt a resolution amending the Town's Conflict of Interest Code to update the designated positions and disclosure categories, as detailed in the staff report.

Mayor Wengert invited questions from the Council.

Councilmember Hughes asked if the intention is that all people in Category 2 should file a Form 700 checking the box “no reportable interests on any schedule” or if they would not even file a Form 700 at all unless there is something to disclose. Town Attorney Silver said the Form 700 would still be filed. She said, from an administrative standpoint, if the form is not filed, it would not be clear if the Form 700 was not filed because there was no reportable interest or the applicant just forgot to file it. She said filing the form is also a statement verifying that the applicant has no reportable interests, which is important. Councilmember Hughes suggested clarifying those instructions.

Councilmember Hughes asked if the employment contracts for the Town Employees need to be amended to include the new disclosure requirement. Town Attorney Silver said all of the Town positions are currently required to file the entire Form 700 and this resolution would reduce the requirement. She said most of the staff do not have employment contracts. Councilmember Hughes suggested the requirement be included in employment contracts with the Town.

With no further questions, Mayor Wengert invited public comment. Hearing none, she brought the item back to the Council for discussion.

Councilmember Hughes requested that Disclosure Category 2 be modified to say Schedules A through C as applicable.

Councilmember Hughes said for the Limited Disclosure filers, most of the instructions on the Form 700 is written for mandatory filers. He suggested staff prepare a short document that goes in the Committee packet to indicate what does and does not need to be filed.

Vice Mayor Aalfs moved to approve the Adoption of a Resolution of the Town Council of the Town of Portola Valley Designating Public Officials and Employees and their Disclosure Categories for the Town’s Conflict of Interest Code as amended. Seconded by Councilmember Derwin, the motion carried 5-0.

(7) **COUNCIL LIAISON COMMITTEE AND REGIONAL AGENCIES REPORTS**

Councilmember Richards – Attended part of the December 5 Planning Commission meeting with Councilmember Derwin.

Councilmember Hughes – Attended the December 6 Bicycle, Pedestrian & Traffic Safety Committee Community meeting on Pedestrian & Traffic Safety, where they heard a report from the traffic study consultant. Town Manager Dennis said they have discussed outreach methods for getting more public input. In response to Mayor Wengert’s question, Councilmember Hughes said the goal is to have a report to bring to Bicycle, Pedestrian & Traffic Safety Committee by the end of January or beginning of February, probably coming back to the Council in February. Councilmember Hughes said they also discussed parking at Windy Hill.

Councilmember Derwin – Attended a C/CAG San Mateo Countywide Water Coordination Committee meeting. She said the consultants provided an update on the progress of the Staff Advisory Team. She said they discussed funding, proposing that for the first three years of funding, County will pay for half and the cities will pay for half (\$750,000 per year), with each city’s share being tiered based on population. Portola Valley would pay \$25,000 per year for three years. Town Manager Dennis said he will be attending the SAT meeting tomorrow. He said the criticism is that for the first three years the benefit is limited for cities that don’t have a current flood control project, but will afford the opportunity to build it up, do some additional work, figuring out a permanent funding stream, etc. Councilmember Derwin said they also discussed the governance structure proposal. She attended the December 5 Planning Commission meeting with Councilmember Richards. She attended a HEART board meeting. They discussed the ADU progress report and workshops that were held. She will attend a C/CAG Board meeting on December 13 where they will discuss the owner-operator managed lanes question, the executive director’s review and

compensation, goals, etc. Councilmember Derwin thanked Town Manager Dennis for his many good ideas.

Vice Mayor Aalfs – Attended a Peninsula Clean Energy meeting. Vice Mayor Aalfs said he has met with several State-level elected officials and NRDC for strategizing on the upcoming legislative session. He said the local legislators are supportive of CCAs.

Mayor Wengert – Attended an SFO Airport Community Roundtable meeting. She said the FAA did not attend due to George HW Bush’s funeral. She said the FAA should be at the January 11 Technical Working Group meeting to answer the specific questions regarding PIRAT. She attended an Ad-Hoc Housing on Town-Owned Property Committee meeting on December 6. She said the six most feasible sites were reviewed and a priority list was created. The top two sites are at the Town Center near the substation maintenance facility and the Alpine Road remnant next to the Frog Pond. Town Manager Dennis said staff will work with the subcommittee of the Ad Hoc to discuss possible design elements. Mayor Wengert also attended the December 10, ASCC meeting.

(8) Town Manager Report – Town Manager Dennis attended the Bicycle, Pedestrian & Traffic Safety Committee meeting and the Ad-Hoc Housing on Town-Owned Property Committee meeting. He said today’s scheduled Town Center Master Plan Update Committee meeting was canceled due to lack of a quorum. He said they will bring it to Council for discussion on January 23. Town Manager Dennis said he will meet with Lt. Christina Corpus and a Sergeant regarding parking issues.

**WRITTEN COMMUNICATIONS**

(9) Town Council Digest – November 29, 2018

#8 – Invitation – Council of Cities Dinner Meeting, Town of Colma, Friday, December 14, 2018. Mayor Wengert said three Councilmembers will attend – Mayor Wengert, Councilmember Derwin, and Councilmember Richards.

(10) Town Council Digest – December 6, 2018

None.

**ADJOURN TO CLOSED SESSION** [8:35 p.m.]

**REPORT OUT OF CLOSED SESSION**

No reportable action.

**ADJOURNMENT** [9:00 p.m.]

Mayor Wengert adjourned the meeting.

---

Mayor

---

Town Clerk

INVOICE APPROVAL LIST REPORT - DETAIL WITH GL DIST

TOWN OF PORTOLA VALLEY

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

A-A LOCK & ALARM INC	Maint/Repairs to CH Doors	20528	01/09/2019	
			01/09/2019	
1251 EL CAMINO REAL	0001		01/09/2019	0.00
MENLO PARK	BOA	53384	01/02/2019	0.00
CA 94025	284049			415.00

GL Number	Description	Invoice Amount	Amount Relieved	
05-66-4341	Community Hall	415.00	0.00	

Check No.	53384	Total:	415.00
Total for	A-A LOCK & ALARM INC		415.00

ALL FENCE COMPANY INC.	CIP Project, Sausal Rd.	20529	01/09/2019	
	Emergency Access Gate		01/09/2019	
1900 SPRING STREET	0013		01/09/2019	0.00
REDWOOD CITY	BOA	53385	01/02/2019	0.00
CA 94063	69848			4,640.00

GL Number	Description	Invoice Amount	Amount Relieved	
05-68-4553	Pavement Management Update	4,640.00	0.00	

Check No.	53385	Total:	4,640.00
Total for	ALL FENCE COMPANY INC.		4,640.00

AM PARTY RENTALS	Equipment/Linen Rental, Annual	20498	01/09/2019	
	Holiday Volunteer Party		01/09/2019	
3575 HAVEN AVE	0466		01/09/2019	0.00
MENLO PARK	BOA	53386	01/02/2019	0.00
CA 94025	1-550929			412.00

GL Number	Description	Invoice Amount	Amount Relieved	
05-52-4147	Volunteer Appreciation	412.00	0.00	

Check No.	53386	Total:	412.00
Total for	AM PARTY RENTALS		412.00

ARC DOCUMENT SOLUTIONS, LLC	Plan Copies, 110 Willowbrook	20499	01/09/2019	
	Paid by Applicant		01/09/2019	
9740 RESEARCH DRIVE	0112		01/09/2019	0.00
IRVINE	BOA	53387	01/02/2019	0.00
CA 92618-4327	2030961			45.13

GL Number	Description	Invoice Amount	Amount Relieved	
05-20-3154	Miscellaneous Receipts	45.13	0.00	

Check No.	53387	Total:	45.13
Total for	ARC DOCUMENT SOLUTIONS, LLC		45.13

AT&T	November Statements	20500	01/09/2019	
			01/09/2019	
P.O. BOX 9011	441		01/09/2019	0.00
CAROL STREAM	BOA	53388	01/02/2019	0.00
IL 60197-9011				273.57

INVOICE APPROVAL LIST REPORT - DETAIL WITH GL DIST

Date: 01/03/2019

Time: 10:20 am

Page: 2

TOWN OF PORTOLA VALLEY

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

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4318	Telephones	273.57	0.00

Check No.	53388	Total:	273.57
Total for	AT&T		273.57

BANK OF AMERICA	Event Insurance, PV Holiday Fa	20547	01/09/2019	
Bank Card Center	ir	00006591	01/09/2019	
P.O. BOX 53155	0022		01/09/2019	0.00
PHOENIX	BOA	53348	01/09/2019	0.00
AZ 85072-3155				7,218.77

GL Number	Description	Invoice Amount	Amount Relieved
05-52-4147	Volunteer Appreciation	1,107.14	0.00
05-52-4150	Cultural Arts Committee	1,642.00	1,900.00
05-52-4152	Emerq Preparedness Committee	427.80	0.00
05-64-4308	Office Supplies	386.43	0.00
05-64-4311	Software & Licensing	230.96	0.00
05-64-4312	Office Equipment	828.19	0.00
05-64-4316	Postage	230.00	0.00
05-64-4322	Dues	111.00	0.00
05-64-4326	Education & Training	710.00	0.00
05-64-4335	Sustainability	337.90	0.00
05-64-4336	Miscellaneous	1,106.89	0.00
05-66-4342	Landscape Supplies & Services	100.46	0.00

Check No.	53348	Total:	7,218.77 H
Total for	BANK OF AMERICA		7,218.77

BMI	2019 Music License Renewal	20501	01/09/2019	
			01/09/2019	
PO BOX 630893	1349		01/09/2019	0.00
CINCINNATI	BOA	53389	01/02/2019	0.00
OH 45263-0893	33495385			349.00

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4311	Software & Licensing	349.00	0.00

Check No.	53389	Total:	349.00
Total for	BMI		349.00

TERESA BOWERMAN	Reimbursement, Flowers Annual	20502	01/09/2019	
	Volunteer Appreciation Party		01/09/2019	
	1020		01/09/2019	0.00
	BOA	53390	01/02/2019	0.00
	409271			456.75

GL Number	Description	Invoice Amount	Amount Relieved
05-52-4147	Volunteer Appreciation	456.75	0.00

Check No.	53390	Total:	456.75
Total for	TERESA BOWERMAN		456.75



INVOICE APPROVAL LIST REPORT - DETAIL WITH GL DIST

Date: 01/03/2019

Time: 10:20 am

Page: 3

TOWN OF PORTOLA VALLEY

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

CALIFORNIA CHAMBER OF COMMERCE	2019 Employee Poster/HR Guide	20516	01/09/2019	
	Customer #510550		01/09/2019	
P.O. BOX 398342	847		01/09/2019	0.00
SAN FRANCISCO	BOA	53391	01/02/2019	0.00
CA 94139-8342				112.76

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4308	Office Supplies	112.76	0.00

Check No.	53391	Total:	112.76
Total for	CALIFORNIA CHAMBER OF COMM		112.76

CITY OF REDWOOD CITY (IT)	IT Support, November	20517	01/09/2019	
			01/09/2019	
P.O. BOX 3629	586		01/09/2019	0.00
REDWOOD CITY	BOA	53392	01/02/2019	0.00
CA 94064	BR50494			2,317.90

GL Number	Description	Invoice Amount	Amount Relieved
05-54-4216	IT & Website Consultants	2,317.90	0.00

Check No.	53392	Total:	2,317.90
Total for	CITY OF REDWOOD CITY (IT)		2,317.90

COMCAST	WiFi, 12/21/18-1/20/19	20542	01/09/2019	
			01/09/2019	
P.O. BOX 34744	0045		01/09/2019	0.00
SEATTLE	BOA	53393	01/02/2019	0.00
WA 98124-1227				129.32

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4318	Telephones	129.32	0.00

Check No.	53393	Total:	129.32
Total for	COMCAST		129.32

COTTON SHIRES & ASSOC. INC.	October Applicant Charges	20518	01/09/2019	
			01/09/2019	
330 VILLAGE LANE	0047		01/09/2019	0.00
LOS GATOS	BOA	53394	01/02/2019	0.00
CA 95030-7218				12,592.10

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4190	Geoloquist - Charges to Appls	12,592.10	0.00

Check No.	53394	Total:	12,592.10
Total for	COTTON SHIRES & ASSOC. INC.		12,592.10

CSG CONSULTANTS INC	Bldg Insp Services, 09/29/18 -	20504	01/09/2019	
	10/26/18		01/09/2019	
550 PILGRIM DRIVE	622		01/09/2019	0.00
FOSTER CITY	BOA	53395	01/02/2019	0.00
CA 94404	21728			11,368.00

GL Number	Description	Invoice Amount	Amount Relieved
-----------	-------------	----------------	-----------------

INVOICE APPROVAL LIST REPORT - DETAIL WITH GL DIST

Date: 01/03/2019

Time: 10:20 am

Page: 4

TOWN OF PORTOLA VALLEY

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

05-50-4062	Temp Bldg Inspection	11,368.00	0.00	
CSG CONSULTANTS INC	Bldg Insp Svcs 10/27-11/30	20546	01/02/2019	
			01/09/2019	
550 PILGRIM DRIVE	622		01/02/2019	0.00
FOSTER CITY	BOA	53395	01/02/2019	0.00
CA 94404	22212			13,622.00
GL Number	Description	Invoice Amount	Amount Relieved	
05-50-4062	Temp Bldg Inspection	13,622.00	0.00	

Check No.	53395	Total:	24,990.00
Total for	CSG CONSULTANTS INC		24,990.00

EBCON CORPORATION	Refund Deposit, 17 Franciscan	20505	01/09/2019	
			01/09/2019	
506 SECOND AVENUE	0740		01/09/2019	0.00
REDWOOD CITY	BOA	53396	01/02/2019	0.00
CA 94063				1,000.00
GL Number	Description	Invoice Amount	Amount Relieved	
96-54-4205	C&D Deposit	1,000.00	0.00	

Check No.	53396	Total:	1,000.00
Total for	EBCON CORPORATION		1,000.00

BARB ECKSTEIN	Reimbursement, Banners for Community Hike	20527	01/09/2019	
			01/09/2019	
1155 WESTRIDGE DRIVE	0584		01/09/2019	0.00
PORTOLA VALLEY	BOA	53397	01/02/2019	0.00
CA 94028				147.98
GL Number	Description	Invoice Amount	Amount Relieved	
05-52-4167	Trails & Paths Committee	147.98	0.00	

Check No.	53397	Total:	147.98
Total for	BARB ECKSTEIN		147.98

EXCEL LD	December LD Telephone Svc	20549	01/09/2019	
			01/09/2019	
PO BOX 660343	0806		01/09/2019	0.00
DALLAS	BOA	53398	01/02/2019	0.00
TX 75266				19.96
GL Number	Description	Invoice Amount	Amount Relieved	
05-64-4318	Telephones	19.96	0.00	

Check No.	53398	Total:	19.96
Total for	EXCEL LD		19.96

GREEN HALO SYSTEMS	Hosting/Access, December 2018	20519	01/09/2019	
			01/09/2019	
2431 ZANKER ROAD	0654		01/09/2019	0.00
SAN JOSE	BOA	53399	01/02/2019	0.00
CA 95131	1926			114.00

INVOICE APPROVAL LIST REPORT - DETAIL WITH GL DIST

Date: 01/03/2019

Time: 10:20 am

Page: 5

TOWN OF PORTOLA VALLEY

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

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4311	Software & Licensng	114.00	0.00

Check No.	53399	Total:	114.00
Total for	GREEN HALO SYSTEMS		114.00

HILLYARD, INC	Janitorial Supplies	20530	01/09/2019	
			01/09/2019	
P.O. BOX 843025	531		01/09/2019	0.00
KANSAS CITY	BOA	53400	01/02/2019	0.00
MO 64184-3025	603258519			437.96

GL Number	Description	Invoice Amount	Amount Relieved
05-66-4340	Building Maint Equip & Supp	145.98	0.00
05-66-4341	Community Hall	145.99	0.00
25-66-4340	Building Maint Equip & Supp	145.99	0.00

Check No.	53400	Total:	437.96
Total for	HILLYARD, INC		437.96

HINDERLITER, DE LLAMAS & ASSOC	Sales Tax Audit, 4th Qtr	20506	01/09/2019	
			01/09/2019	
1340 VALLEY VISTA DRIVE	1128		01/09/2019	0.00
DIAMOND BAR	BOA	53401	01/02/2019	0.00
CA 91765	0030152-IN			753.01

GL Number	Description	Invoice Amount	Amount Relieved
05-54-4214	Miscellaneous Consultants	753.01	0.00

Check No.	53401	Total:	753.01
Total for	HINDERLITER, DE LLAMAS & ASS		753.01

DAVE HOWES	Reimbursement, EPC Emergency Supplies	20507	01/09/2019	
			01/09/2019	
18 PORTOLA GREEN CIRCLE	700		01/09/2019	0.00
PORTOLA VALLEY	BOA	53402	01/02/2019	0.00
CA 94028				290.56

GL Number	Description	Invoice Amount	Amount Relieved
05-52-4150	Cultural Arts Committee	290.56	0.00

Check No.	53402	Total:	290.56
Total for	DAVE HOWES		290.56

INTERSTATE TRAFFIC CNTRL	Traffic Cones & Barricades	20531	01/09/2019	
		00006592	01/09/2019	
1700 INDUSTRIAL ROAD, STE B	564		01/09/2019	0.00
SAN CARLOS	BOA	53403	01/02/2019	0.00
CA 94070	229243			883.00

GL Number	Description	Invoice Amount	Amount Relieved
20-60-4268	Street Signs & Striping	883.00	883.00

Check No.	53403	Total:	883.00
-----------	-------	--------	--------

INVOICE APPROVAL LIST REPORT - DETAIL WITH GL DIST

Date: 01/03/2019

Time: 10:20 am

Page: 6

TOWN OF PORTOLA VALLEY

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

Total for INTERSTATE TRAFFIC CNTRL 883.00

JORGENSON SIEGEL MCCLURE & FLEGEL	November Statement	20520	01/09/2019	
1100 ALMA STREET	0089		01/09/2019	0.00
MENLO PARK	BOA	53404	01/02/2019	0.00
CA 94025				15,592.50

GL Number	Description	Invoice Amount	Amount Relieved
05-54-4182	Town Attorney	15,290.00	0.00
96-54-4186	Attorney - Charges to Appls	302.50	0.00

Check No. 53404 Total: 15,592.50

Total for JORGENSON SIEGEL MCCLURE & 15,592.50

LYNX TECHNOLOGIES, INC	November GIS Hosting Fees/ Assessor Update	20508	01/09/2019	
1350 41ST AVENUE	0294		01/09/2019	0.00
CAPITOLA	BOA	53405	01/02/2019	0.00
CA 95010	8608			475.00

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4311	Software & Licensing	475.00	0.00

Check No. 53405 Total: 475.00

Total for LYNX TECHNOLOGIES, INC 475.00

NOLTE ASSOCIATES, INC. NV5	Applicant Charges, October	20521	01/09/2019	
P.O. BOX 74008680	0104		01/09/2019	0.00
CHICAGO	BOA	53406	01/02/2019	0.00
IL 89193-3243				4,626.16

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4194	Engineer - Charges to Appls	4,626.16	0.00

Check No. 53406 Total: 4,626.16

Total for NOLTE ASSOCIATES, INC. NV5 4,626.16

PACIFIC COAST SEED INC	ROW Native Seed Planting	20538	01/09/2019	
533 HAWTHORNE PLACE	714		01/09/2019	0.00
TRACY	BOA	53407	01/02/2019	0.00
CA 95376	O-63726-18			247.50

GL Number	Description	Invoice Amount	Amount Relieved
20-60-4264	ROW Tree Trimming & Mowing	247.50	0.00

Check No. 53407 Total: 247.50

Total for PACIFIC COAST SEED INC 247.50

INVOICE APPROVAL LIST REPORT - DETAIL WITH GL DIST

TOWN OF PORTOLA VALLEY

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

PACIFIC EURO CONSTRUCTION	Refund Dep, 166 Corte Madera	20525	01/09/2019	
			01/09/2019	
443 AUBURN WAY #4	0864		01/09/2019	0.00
SAN JOSE	BOA	53408	01/02/2019	0.00
CA 95129				1,000.00

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

Check No.	53408	Total:	1,000.00
Total for	PACIFIC EURO CONSTRUCTION		1,000.00

PERS HEALTH	January Health	20503	01/09/2019	
			01/09/2019	
VIA EFT	0108		01/09/2019	0.00
	BOA	53409	01/02/2019	0.00
				12,618.27

GL Number	Description	Invoice Amount	Amount Relieved
05-50-4086	Health Insurance Medical	12,618.27	0.00

Check No.	53409	Total:	12,618.27
Total for	PERS HEALTH		12,618.27

PG&E	November Statements	20509	01/09/2019	
			01/09/2019	
BOX 997300	0109		01/09/2019	0.00
SACRAMENTO	BOA	53410	01/02/2019	0.00
CA 95899-7300				1,793.59

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4330	Utilities	1,793.59	0.00

Check No.	53410	Total:	1,793.59
Total for	PG&E		1,793.59

PINNACLE BUILDING & DESIGN	Refund Deposit, 501 Portola 2B	20543	01/09/2019	
			01/09/2019	
5157 ABBEY DRIVE	1617		01/09/2019	0.00
FAIRFIELD	BOA	53411	01/02/2019	0.00
CA 94534				1,000.00

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

Check No.	53411	Total:	1,000.00
Total for	PINNACLE BUILDING & DESIGN		1,000.00

PITNEY BOWES INC.	Quarterly Meter Rental	20510	01/09/2019	
			01/09/2019	
PO BOX 371896	0754		01/09/2019	0.00
PITTSBURGH	BOA	53412	01/02/2019	0.00
PA 15250-7896	1010055054			482.37

GL Number	Description	Invoice Amount	Amount Relieved
-----------	-------------	----------------	-----------------

INVOICE APPROVAL LIST REPORT - DETAIL WITH GL DIST

Date: 01/03/2019

Time: 10:20 am

Page: 8

TOWN OF PORTOLA VALLEY

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

05-64-4314	Equipment Services Contracts	482.37	0.00	
------------	------------------------------	--------	------	--

Check No.	53412	Total:	482.37
Total for	PITNEY BOWES INC.		482.37

PLATINUM FACILITY SERVICES	Community Hall Deep Clean	20532	01/09/2019	
			01/09/2019	
1530 OAKLAND RD., #150	402		01/09/2019	0.00
SAN JOSE	BOA	53413	01/02/2019	0.00
CA 95112	33901			1,260.00

GL Number	Description	Invoice Amount	Amount Relieved
05-66-4341	Community Hall	1,260.00	0.00

PLATINUM FACILITY SERVICES	December Janitorial	20533	01/09/2019	
			01/09/2019	
1530 OAKLAND RD., #150	402		01/09/2019	0.00
SAN JOSE	BOA	53413	01/02/2019	0.00
CA 95112	33864			4,903.13

GL Number	Description	Invoice Amount	Amount Relieved
05-66-4341	Community Hall	1,203.35	0.00
05-66-4344	Janitorial Services	2,467.64	0.00
05-66-4344	Janitorial Services	1,232.14	0.00

Check No.	53413	Total:	6,163.13
Total for	PLATINUM FACILITY SERVICES		6,163.13

CYNTHIA RICHARDSON dba Richardson Consulting	Dec Planning Consultant Svcs	20541	01/09/2019	
			01/09/2019	
24 CAMPBELL LANE	1250		01/09/2019	0.00
MENLO PARK	BOA	53414	01/02/2019	0.00
CA 94025				6,247.50

GL Number	Description	Invoice Amount	Amount Relieved
05-54-4196	Planner	525.00	0.00
96-54-4198	Planner - Charges to Appls	5,722.50	0.00

Check No.	53414	Total:	6,247.50
Total for	CYNTHIA RICHARDSON		6,247.50

ROBERTS MARKET	Kitchen Supplies/Staff Lunch	20511	01/09/2019	
			01/09/2019	
3015 WOODSIDE ROAD	1236		01/09/2019	0.00
WOODSIDE	BOA	53415	01/02/2019	0.00
CA 94062	43723414, 44317182			33.08

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4336	Miscellaneous	33.08	0.00

Check No.	53415	Total:	33.08
Total for	ROBERTS MARKET		33.08

INVOICE APPROVAL LIST REPORT - DETAIL WITH GL DIST

Date: 01/03/2019

Time: 10:20 am

Page: 9

TOWN OF PORTOLA VALLEY

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

RON RAMIES AUTOMOTIVE, INC.	Battery Replacement, 2014	20534	01/09/2019	
	Nissan Leaf		01/09/2019	
115 PORTOLA ROAD	422		01/09/2019	0.00
PORTOLA VALLEY	BOA	53416	01/02/2019	0.00
CA 94028	60204			161.66

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4334	Vehicle Maintenance	161.66	0.00

RON RAMIES AUTOMOTIVE, INC.	Mower Maint/Repair	20536	01/09/2019	
			01/09/2019	
115 PORTOLA ROAD	422		01/09/2019	0.00
PORTOLA VALLEY	BOA	53416	01/02/2019	0.00
CA 94028	59330			194.38

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4240	Parks & Fields Maintenance	194.38	0.00

RON RAMIES AUTOMOTIVE, INC.	'00 Chevy, Replace Headlight	20537	01/09/2019	
			01/09/2019	
115 PORTOLA ROAD	422		01/09/2019	0.00
PORTOLA VALLEY	BOA	53416	01/02/2019	0.00
CA 94028	59991			54.69

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4334	Vehicle Maintenance	54.69	0.00

RON RAMIES AUTOMOTIVE, INC.	Mower Maint/Repair	20540	01/09/2019	
			01/09/2019	
115 PORTOLA ROAD	422		01/09/2019	0.00
PORTOLA VALLEY	BOA	53416	01/02/2019	0.00
CA 94028	60105			398.09

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4240	Parks & Fields Maintenance	398.09	0.00

Check No.	53416	Total:	808.82
Total for	RON RAMIES AUTOMOTIVE, INC.		808.82

SHARP BUSINESS SYSTEMS	November Copies	20512	01/09/2019	
			01/09/2019	
DEPT. LA 21510	0199		01/09/2019	0.00
PASADENA	BOA	53417	01/02/2019	0.00
CA 91185-1510	9001566635			227.29

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4308	Office Supplies	227.29	0.00

Check No.	53417	Total:	227.29
Total for	SHARP BUSINESS SYSTEMS		227.29

SMALL BUSINESS BENEFIT PLAN TR	Dental/Vision, January 2019	20513	01/09/2019	
			01/09/2019	
	0132		01/09/2019	0.00
BELMONT	BOA	53418	01/02/2019	0.00
CA 94002-0156				2,391.20

GL Number	Description	Invoice Amount	Amount Relieved
05-50-4090	Health Ins Dental & Vision	2,391.20	0.00

Check No.	53418	Total:	2,391.20
-----------	-------	--------	----------

INVOICE APPROVAL LIST REPORT - DETAIL WITH GL DIST

Date: 01/03/2019

Time: 10:20 am

Page: 10

TOWN OF PORTOLA VALLEY

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

Total for SMALL BUSINESS BENEFIT PLAN 2,391.20

STANDARD INSURANCE CO.	LTD/Life Premium	20548	01/09/2019	
			01/09/2019	
PO BOX 5676	0469		01/09/2019	0.00
PORTLAND	BOA	53419	01/02/2019	0.00
OR 97228				591.23

GL Number	Description	Invoice Amount	Amount Relieved
05-50-4091	Long Term Disability Insurance	591.23	0.00

Check No. 53419 Total: 591.23

Total for STANDARD INSURANCE CO. 591.23

STANFORD UNIVERSITY	Refund Deposit, 7 Arastradero	20514	01/09/2019	
	SDP X9H-680		01/09/2019	
327 BONAIR SIDING, 2ND FLOOR	0510		01/09/2019	0.00
STANFORD	BOA	53420	01/02/2019	0.00
CA 94305				1,604.00

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4207	Deposit Refunds, Other Charges	1,604.00	0.00

Check No. 53420 Total: 1,604.00

Total for STANFORD UNIVERSITY 1,604.00

STAPLES CREDIT PLAN	November Statement	20522	01/09/2019	
			01/09/2019	
DEPT. 31 - 0000306219	430		01/09/2019	0.00
PHOENIX	BOA	53421	01/02/2019	0.00
AZ 85062-8004				934.34

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4308	Office Supplies	934.34	0.00

Check No. 53421 Total: 934.34

Total for STAPLES CREDIT PLAN 934.34

STATE COMP INSURANCE FUND	2017 Final Audit Statement	20545	01/09/2019	
			01/09/2019	
PO BOX 748170	0122		01/09/2019	0.00
LOS ANGELES	BOA	53422	01/02/2019	0.00
CA 90074-8170				1,216.13

GL Number	Description	Invoice Amount	Amount Relieved
05-50-4094	Worker's Compensation	1,216.13	0.00

Check No. 53422 Total: 1,216.13

Total for STATE COMP INSURANCE FUND 1,216.13



INVOICE APPROVAL LIST REPORT - DETAIL WITH GL DIST

Date: 01/03/2019

Time: 10:20 am

Page: 11

TOWN OF PORTOLA VALLEY

Vendor Name	Invoice Description1	Ref No.	Discount Date	
Vendor Name Line 2	Invoice Description2	PO No.	Pay Date	
Vendor Address	Vendor Number		Due Date	Taxes Withheld
City	Bank	Check No.	Check Date	Discount Amount
State/Province Zip/Postal	Invoice Number			Check Amount
SWRCB - STATE WATER RESOURCES CONTROL BOARD	Annual Permit Fees, FY 18-19	20535	01/09/2019	
			01/09/2019	
	599		01/09/2019	0.00
SACRAMENTO	BOA	53423	01/02/2019	0.00
CA 95812-1888	SW-0159504			5,692.00

GL Number	Description	Invoice Amount	Amount Relieved
05-62-4288	NPDES Stormwater Program	5,692.00	0.00

Check No.	53423	Total:	5,692.00
Total for	SWRCB - STATE WATER RESOUR		5,692.00

TECH CU	Funding Deposit, New Account	20523	01/09/2019	
			01/09/2019	
333 W EL CAMINO REAL	0862		01/09/2019	0.00
SUNNYVALE	BOA	53349	01/09/2019	0.00
CA 94087				1,000.00

GL Number	Description	Invoice Amount	Amount Relieved
05-00-1115	Cash	1,000.00	0.00

Check No.	53349	Total:	1,000.00 H
Total for	TECH CU		1,000.00

THE CONRADO COMPANY	Refund Deposit, 2 Fremontia	20539	01/09/2019	
			01/09/2019	
14363 SARATOGA AVENUE #206	0771		01/09/2019	0.00
SARATOGA	BOA	53424	01/02/2019	0.00
CA 95070				889.73

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4205	C&D Deposit	889.73	0.00

Check No.	53424	Total:	889.73
Total for	THE CONRADO COMPANY		889.73

LESLIE TIDWELL	Refund Deposit, 20 Holden Ct	20526	01/09/2019	
			01/09/2019	
20 HOLDEN COURT	0865		01/09/2019	0.00
PORTOLA VALLEY	BOA	53425	01/02/2019	0.00
CA 94028				1,000.00

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

Check No.	53425	Total:	1,000.00
Total for	LESLIE TIDWELL		1,000.00

VERIZON WIRELESS	November Cellular/ALPR	20515	01/09/2019	
			01/09/2019	
P.O. BOX 660108	0131		01/09/2019	0.00
DALLAS	BOA	53426	01/02/2019	0.00
TX 75266-0108	9819103172			364.44

GL Number	Description	Invoice Amount	Amount Relieved
-----------	-------------	----------------	-----------------

INVOICE APPROVAL LIST REPORT - DETAIL WITH GL DIST

Date: 01/03/2019

Time: 10:20 am

Page: 12

TOWN OF PORTOLA VALLEY

Vendor Name	Invoice Description1	Ref No.	Discount Date	
Vendor Name Line 2	Invoice Description2	PO No.	Pay Date	
Vendor Address	Vendor Number		Due Date	Taxes Withheld
City	Bank	Check No.	Check Date	Discount Amount
State/Province Zip/Postal	Invoice Number			Check Amount
05-64-4318	Telephones	364.44	0.00	

Check No.	53426	Total:	364.44
Total for	VERIZON WIRELESS		364.44

WARREN WONG	Refund Deposit, Event Date	20524	01/09/2019	
	12/15/18		01/09/2019	
4330 ALPINE ROAD	0863		01/09/2019	0.00
PORTOLA VALLEY	BOA	53427	01/02/2019	0.00
CA 94028				500.00

GL Number	Description	Invoice Amount	Amount Relieved
05-00-2561	Community Hall Deposits	500.00	0.00

Check No.	53427	Total:	500.00
Total for	WARREN WONG		500.00

Total Invoices: 51

Grand Total:	125,097.05
Less Credit Memos:	0.00
Net Total:	125,097.05
Less Hand Check Total:	8,218.77
Outstanding Invoice Total:	116,878.28

**TOWN OF PORTOLA VALLEY**  
**Warrant Disbursement Journal**  
**January 9, 2019**

Claims totaling \$125,097.05 having been duly examined by me and found to be correct are hereby approved and verified by me as due bills against the Town of Portola Valley.

Date \_\_\_\_\_

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

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

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

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

\_\_\_\_\_  
Mayor



# TOWN OF PORTOLA VALLEY

## STAFF REPORT

---

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

**FROM:** Jeremy Dennis, Town Manager  
Sustainability Committee

**DATE:** January 9, 2019

**RE:** Leaf Blower Ordinance Amendments

### **RECOMMENDATION**

Staff recommends that the Town Council:

1. Adopt changes to the Municipal Code prohibiting the use of gas-powered leaf blowers in Portola Valley, except in emergencies as allowed
2. Adopt changes to the Municipal Code limiting the use of leaf blowers on particular surfaces
3. Approve a modified education program for residents and landscape professionals

### **BACKGROUND**

At its September 13, 2017 meeting (Attachment 1), the Town Council held a study session on leaf blower issues. At that meeting, the Council directed the then-Sustainability & Environmental Resource Committee (SERC) to review possible incentives, education and regulations for use of leaf blowers. Generally, the Town Council was supportive of efforts to eventually phase out the use of gas-powered leaf blowers.

SERC met on December 18, 2017 (Attachment 2), and provided the following direction to staff:

- ban gas blowers
- limit blower use to hardscape
- investigate rebate possibility for electric blowers
- create proactive education effort
- explore noise level certification effort for electric blowers

Education began in 2018, primarily through the distribution of a flier, in English and Spanish, discussing the impacts of leaf blower use while encouraging a transition to electric models (Attachment 3). Although widely distributed, feedback from residents was limited.

At its February 28<sup>th</sup> meeting (Attachment 4), the Town Council recommended that the Sustainability Committee finalize a recommendation for the future use of leaf blowers in Portola Valley. The Sustainability Committee met twice to discuss this matter, and finalized its recommendations at its December 17<sup>th</sup> meeting.

## **DISCUSSION**

The Sustainability Committee recommends the following:

1. A ban on the use of gas-powered leaf blowers, commencing one year from adoption by the Town Council (except for use in emergencies)
2. Limitations on how leaf blowers can be used
3. A second round of education for residents and landscape professionals on both the impacts of leaf blower use, and alternatives to gas-powered models
4. Opportunities for residents to test electric leaf blower models at Town Center

### **Ban of Gas-Powered Leaf Blowers (Attachment 2)**

Such a ban would require modifications to the following code sections:

- 9.10.040, changing the definition of “domestic garden tools”
- 9.10.060, adding “gas powered leaf blowers” to Prohibited Sources of Noise (with emergency use allowed)

### **Changes to Leaf Blower Use (Attachment 3)**

Such changes would require modifications to the following code sections:

- 8:32.010 – a new section prohibiting the use of leaf blowers on “non-hardscapes” as described

### **Modified Noise Allowance Hours**

In order to simplify the Noise Ordinance, staff recommends changing the current 7:00 A.M. – 10:00 P.M. allowance to 8:00 A.M. – 10:00 P.M.; staff is unaware of any type of activity that would be occurring between 7:00-8:00 A.M. that is not already prohibited up until 8:00 A.M. by the existing code.

### **Education**

Edits to the existing flier would be minimal to support these changes and would highlight the date the ban goes into effect.

Town staff will also prepare materials to distribute to local landscaping equipment stores that will inform customers of changes to the Town’s leaf blower regulations.

Staff will also make available its electric leaf blowers for testing by residents on an appointment basis.

### **Incentives**

The Sustainability Committee did not have a recommendation on an incentive program, which was discussed primarily as a trade-in program. Staff seeks input on whether such a program should be implemented; seed funding for such a program would come from

the Sustainability Programs budget, and would be further discussed during the FY 2019-20 budget hearings.

**Comments**

Staff has been receiving comments on this topic for over a year; a full list of all received comments will be provided at places, to allow for further comments to be included upon publication of this staff report.

**ATTACHMENTS**

1. [September 13, 2017 Staff Report](#)
2. [Minutes, December 18, 2017 SERC meeting](#)
3. [Leaf Blower Flier](#)
4. [February 28<sup>th</sup> 2018 Staff Report](#)
5. [Amended Chapter 9 Public Peace, Morals and Welfare Code](#)
6. [Amended Chapter 8 Health and Safety Code](#)

**Approved by:** Jeremy Dennis, Town Manager





## TOWN OF PORTOLA VALLEY STAFF REPORT

---

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

**FROM:** Jeremy Dennis, Town Manager

**DATE:** September 13, 2017

**RE:** Study Session, Leaf Blowers

### **RECOMMENDATION**

Staff recommends that the Town Council provide direction to staff on potential further regulation of leaf blowers in Portola Valley.

### **BACKGROUND**

At the July 26<sup>th</sup> 2017 Council meeting, a resident requested that the Town further regulate the use of leaf blowers, citing noise, air quality, and other pollution issues. The Mayor and Vice Mayor requested that a study session be scheduled on the next available Council agenda to discuss these issues and provide direction to staff on potential next steps.

### **Regulation in Portola Valley**

The Town currently regulates leaf blowers through the Noise Ordinance (Attachment 1). Regulation is achieved through specific noise standards, as well as the times “domestic garden tools” can be used by both commercial entities and residents. There is further regulation in a subsequent code section specifying dBa levels within 50 feet of the equipment while in use, the equipment’s model number and dBa rating and the use of mufflers and extension tubes

As show in the table below, non-transportation noise in residential districts cannot be higher than 65dBa during daylight hours:

### Non-Transportation Generated Noise Standards

Land Use Receiving the Noise	Hourly Noise-Level Descriptor	Exterior Noise-Level Standard In Any Hour {dBa}		Interior Noise-Level Standard In Any Hour {dBa}	
		Day 7am-10pm	Night 10pm-7am	Day 7am-10pm	Night 10pm-7am
Residential	Leq	50	40	40	30
	Lmax	65	55	55	45
Medical, convalescent	Leq	55	45	45	35
	Lmax	70	60	55	45
Theater, auditorium	Leq			35	35
	Lmax			50	50
Religious facility, meeting hall	Leq	55		40	40
				55	55
Office Building	Leq			45	

9.10.040B. Domestic Garden Tools<sup>1</sup>. Domestic garden tools may be used by commercial companies only Monday through Friday between 8:00 am and 5:30 pm and Saturday between 10:00 am and 5:00 pm; provided that chippers and chain saws may not be used on Saturday. Any resident may personally (including with the help of immediate family members) use domestic garden tools during the following hours: Monday through Friday between 8:00 am and 5:30 pm and Saturday and Sunday between 10:00 am and 5:00 pm. Domestic garden tools may be used by property owners only for the purpose of removing seasonal grasses and plant materials that pose a fire hazard on all days, except holidays, between 8:00 am and 8:00 pm from April 15 to June 15; however, this provision does not allow the use of chain saws and chippers on Sundays. The commercial and resident use of domestic garden tools is prohibited on holidays.

9.10.060H. Prohibited Sources of Noise. Leaf blowers. Leaf blowers shall not produce a sound that exceeds sixty-five dBA when measured from a distance of fifty feet utilizing American National Standard Institute methodology. No person shall operate any leaf blower which does not bear an affixed manufacturer's label indicating the model number of the leaf blower and designating a noise level not in excess of

<sup>1</sup> "Domestic garden tools" are defined in this ordinance as leaf blowers, weed whackers, lawn mowers, chippers, chain saws, or any other lawn or garden power tool.



sixty-five dBA. Any leaf blower that bears such a manufacturer's label shall be presumed to comply with any noise level limit of this chapter provided that it is operated with all mufflers and full extension tubes supplied by the manufacturer for that leaf blower. No person shall operate any leaf blower without attachment of all mufflers and full extension tubes supplied by the manufacturer for that leaf blower. This requirement becomes effective one year after the adoption of this revised chapter.

In the past 6 years, Town Staff has fielded six complaints related to gardening work – two were specific to leaf blower noise.

### **General Plan**

The Sustainability Element of the General Plan calls on the “reduction of greenhouse gas emissions in the air” and a primary goal. Additionally, the Sustainability Element calls for “community education about sustainable principles and applications” (Attachment 2). The Noise Element of the General Plan addresses noise generated by yard maintenance activities and states a goal to “implement appropriate standard controls for yard maintenance activities carried out by commercial companies and homeowners” (Attachment 3).

From a greenhouse gas emissions standpoint, leaf blowers are considered part of the “off-road emissions” inventory, which accounted for 4.5% of the Town’s total 2010 GHG emissions. (Attachment 4)

## **DISCUSSION**

### **Leaf Blower Design**

The majority of leaf blowers purchased in the United States are two stroke model, which means that gas and oil are mixed together to fuel the device. Approximately 30% of the fuel does not completely combust; as a result, they are considered significant polluters. Certain types of two stroke engines have been banned in some areas, including Lake Tahoe, Lake Mead, and many California State Parks that contain lakes. Four stroke engines, similar to automobile engines, are much less common in leaf blowers and are much more environmentally friendly.

In 2000, the California Air Resources Board’s “Report to the California Legislature on the Potential Health and Environmental Impacts of Leaf Blowers” (Attachment 4) identified approximately 410,000 gasoline leaf blowers in California with 1.2% four stroke models. At the same time, there were approximately 600,000 electric leaf blowers in the State, the vast majority used occasionally by homeowners. At the time of the report, it was assumed that “virtually all professional gardeners use gas engine-powered blowers” (page 13).

## **Air Pollution and Dust**

Although somewhat limited, there is a growing number of sources documenting the pollution impacts of leaf blowers.

The aforementioned 2000 California Air Resources Board (CARB) report cited above identified potential health impacts from noise, carbon and dust emissions. The health impacts from these hazards were “from mild to serious, but the appearance of those effects depends on the exposure, the dose, or how much of the hazard is received by a person, and the exposure time” (Page 55).

The CARB report found that leaf blowers generated 7.1 tons per day of hydrocarbons, and 16.6 tons per day of carbon monoxide; however, the report anticipated reductions by 2010 as a result of new leaf blowers standards implemented in 2000. A half-hour of leaf blower operation generated the same amount of hydrocarbon emissions as 7,700 miles of driving at 30 miles per hour; for carbon monoxide, half hour of use is equivalent to 440 miles of driving at 30 miles per hour.

Leaf blowers also impacted the spread of fugitive dust due to the hurricane-level speed of the wind generated (typically between 150 and 280 mph).

Other noteworthy studies/reports/news articles/programs include:

1. 2010 US EPA review of Maricopa County Arizona’s air quality plan – the EPA found that Maricopa County did not adequately inventory sources of coarse particulate matter, and that leaf blowers contributed to the amount of particulate matter in the air.
2. 2011 Edmunds report – the automobile review company Edmunds found that a Ryobi 4-stroke leaf blower contributes 7 times more oxides of nitrogen and 12.5 times more carbon monoxide than a 2011 Ford F-150 Raptor truck, and a 2 stroke Echo 2 leaf blower generated 23 times more carbon monoxide and nearly 300 times more non-methane hydrocarbons than the truck (Attachment 6)
3. 2016 Medical Society of the State of New York resolution – In May 2016, the MSSNY passed a first of its kind resolution calling on the New York State Department of Environmental Conservation and manufacturers of gas powered leaf blowers to develop guidelines to reduce emissions and noise, promote nonpolluting alternatives and ask the American Medical Association to do the same (Attachment 7)
4. 2017 California Air Resources Board rule proposal – the CARB has proposed lowering emissions from small gas off-road engines (including the gas powered engine that leaf blowers use) by 85 percent by the end of 2030 (Attachments 8 and 9).
5. Quiet Communities, a non-profit based in Massachusetts “dedicated to protecting our health, environment, and quality of life from the excessive use of industrial

outdoor maintenance equipment” published a brochure describing the impacts of leaf blowers (Attachment 10)

6. The Bay Area Air Quality Management District (BAAQMD) - Alameda and Contra Costa Counties - and the South Coast Air Quality Management District have a leaf blower exchange program that will replace old gas units with zero-emission equipment (Attachment 11)

## Noise

The City of Palm Springs recently approved a ban of gas powered leaf blowers. In their July 19, 2017 report, staff compiled a list of commercially available leaf blowers and their dB noise levels (Attachment 12).

Their review of the noise levels of both gas and electric powered models found that electric units were between 50-68 dB while gas units were between 67-77dB. As a rule of thumb, when a sound increased by 10dB is it assumed that its loudness has doubled.

## Other Municipalities

A number of cities in California have regulated the use of leaf blowers beyond general noise abatement or time of use. Below is a chart of some of these communities, with the type of regulations they have adopted; municipalities were chosen to both reflect the diversity of approached in regulation, as well as some jurisdictions similar to Portola Valley:

Municipality	Date	Regulations <sup>2</sup>
Belvedere	1987	No person in City limits may operate any portable machine powered with a gasoline engine used to blow leaves, dirt and other debris
Berkeley	1982	No portable machine with a gasoline engine used to blow leaves, dirt and other debris may be used in the City, including City employees
Beverly Hills	1978	No portable machine powered with a gasoline engine used to blow leaves, dirt and other debris
Carmel	1975	Gas powered leaf blowers prohibited
Dana Point	1990	<ul style="list-style-type: none"> <li>• Residential use limited to 9am-5pm, Monday – Saturday</li> <li>• No leaf blower can exceed 65 dBa</li> <li>• Debris cannot be blown or deposited on any adjacent land</li> <li>• Commercially-operated leaf blowers shall have business name, address and telephone number attached</li> </ul>

<sup>2</sup> Municipal use of gas powered leaf blowers in emergencies is typically exempted.

Foster City	Prior to 2000	Leaf blowers within 100 feet of a residential district limited to 8am-5pm Monday-Friday, 9am-5pm Saturday, at 100 dBa
Hillsborough	1998	No leaf blowers allowed on weekends
Laguna Beach	2009	All leaf blowers, gas and electric powered, banned
Los Altos	1991	<ul style="list-style-type: none"> <li>• Gas powered blowers banned</li> <li>• Electric powered leaf blowers allowed 8am-8p M-F, 9am-6pm Sat, 10am-6pm Sunday</li> </ul>
Los Angeles	1998	Gas powered leaf blowers banned within 500 feet of a residence; electric powered leaf blowers allowed
Menlo Park	1999	<ul style="list-style-type: none"> <li>• “Certified” leaf blowers (rated at 65 dBa at 50 ft.) can be used 8am-5pm M-F, 11am-3pm Sat</li> <li>• Only electric powered allowed</li> </ul>
Palo Alto	2005	<ul style="list-style-type: none"> <li>• Gas powered leaf blowers prohibited in Residential Zones, electric powered can be used 9am-5pm M-F, 10am-4pm Saturday at 75 dBa</li> <li>• Non-residential Zones allow gas and electric powered leaf blowers, at same times at 95 dBa</li> <li>• Commercial leaf blower operators must display on device training certificate</li> <li>• Devices should retain all mufflers and full extension tubes</li> </ul>
Piedmont	1990	<ul style="list-style-type: none"> <li>• Gas powered leaf blowers prohibited</li> <li>• Exception for public agency work on publicly-owned or operated facilities</li> </ul>
Sacramento	2002	<ul style="list-style-type: none"> <li>• Gas powered leaf blowers banned on residential property or within 200 feet of residential property at 65dBa at 50 feet</li> <li>• Allowed between 10am-4pm M-Sat</li> </ul>
Santa Barbara	1997	<ul style="list-style-type: none"> <li>• Gas powered leaf blowers prohibited</li> <li>• New leaf blowers cannot be sold in City that exceed 65 dBa</li> <li>• City will inspect all leaf blowers and issue a certification sticker</li> </ul>
Santa Monica	1996	All motorized leaf blowers prohibited
Tiburon	2010	<ul style="list-style-type: none"> <li>• Gas powered leaf blowers and hedge trimmers prohibited in residential areas</li> <li>• Gas powered leaf blowers and hedge trimmers allowed in non-residential areas from 9am-4pm M-F</li> </ul>

### Enforcement

Although many jurisdictions in California have passed more stringent leaf blower regulations, enforcement is typically difficult. Simply having resources to respond to complaints can be challenging for any municipality; additionally, having evidence that a

violation has occurred when the violation may have already ended, with no evidence of said violation, may make it challenging to enforce.

### **Cost of Electric Powered Equipment**

A cursory review of pricing found that a typical, residential-use electric powered leaf blower costs between \$30-150, while a similar gas powered unit costs at least \$75. Commercial units, more appropriate for larger lots, costs \$175-\$600. Very large properties may be more appropriate for walk-behind leaf blowers, but there are fewer electric powered models on the market than gas powered models – cost ranges from \$150 up.

Town staff could develop a rebate/trade in program, similar to the BAAQMD's system, to provide incentives for the replacement of gas powered leaf blowers with electric units.

### **Council Direction**

Staff seeks direction on the following questions:

1. Should the Town consider new regulations on leaf blowers? If yes:
  - a. What committees should be utilized to further research leaf blower issues?
  - b. Are there any parameters to the research the Council would like to consider before work starts?
2. Should the Town consider amending the Noise Ordinance to include penalties for leaf blower noise violations?
3. Should the Town consider a rebate program to encourage the replacement of gas powered leaf blowers with electric units?
4. Should the Town consider further regulations on other gas powered gardening or landscaping equipment, as defined as “domestic garden tools” in the Noise Ordinance?

### **FISCAL IMPACT**

There is no fiscal impact resulting from this study session. Future actions on leaf blowers may result in direct costs to the Town related to equipment, and indirect costs to residents.

### **ATTACHMENTS**

1. Portola Valley Noise Ordinance
2. Portola Valley Sustainability Element, page 5
3. Portola Valley Noise Element, page 13
4. 2010 Town GHG emissions report
5. 2000 CARB Report to State Legislature on Leaf Blowers
6. Edmunds Report
7. MSSNY Resolution
8. NPR Article, CARB

9. CARB Small Off Road Engines Fact Sheet
10. Quiet Communities Handout
11. Trade In Programs, Air Quality Management Districts
12. July 19, 2017 Palm Springs Leaf Blowers Noise Table

**Approved by:** Jeremy Dennis, Town Manager

A handwritten signature in black ink, appearing to read "Jeremy Dennis", is positioned to the right of the approval text.

**TOWN OF PORTOLA VALLEY*****Special Sustainability and Environmental Resources Committee Meeting*****Monday December 18, 2017 10:30 AM to 12:30 PM****Community Hall – Buckeye Room****765 Portola Road, Portola Valley, CA 94028****SUSTAINABILITY AND ENVIRONMENTAL RESOURCES COMMITTEE MEETING MINUTES**

**Call to Order:** The meeting was called to order at 10:37AM.

**Roll Call:**

Committee Members:

Present: Al Sill, Rebecca Flynn, Stefan Unnasch, Loverine Taylor, Delle Maxwell, Brandi de Garceaux, Mia Di Giovanni, Jim Lussier, George Salah, Ali Taghavi, Maryann Derwin,

Absent: Anne-Laure Cuvilliez,

Other Attendees: Jeremy Dennis

**Oral Communications:**

- Rebecca – checked CA reservoir levels; all are in good shape except Oroville
- Jim – has been using the HEA tool to audit his home energy consumption and has seen significant reductions as a result

**Approval of Minutes – September 18, 2017**

September 18, 2017 minutes were approved as written.

**Old Business:****Leaf Blowers:**

Jeremy – Staff will keep moving forward; Delle has come up with some information from her ties to the master gardener community.

**Brainstorming and Comments:**

- Recommendations need to be translated into Spanish since some gardeners will need that.
- Maybe some sort of trade-in or rebate program.

- Some sort of positive training program.
- Big impact could be to limit use of blowers on softscape.
- Blower emissions are not really the issue.
- Lovey checked with her gardener: (each municipality has their own rules – that is tough on him since he works in many communities; if he has to go to electric he would bill for charging time; not just gardeners are using the leaf blowers)
- Efficiency comparison between sweeping and blowing, compare to how many cars you would be removing from the road
- How to help defray cost?
- Can get some impact from running blowers at lower speeds

Tentative direction:

- ban gas blowers
- try to limit blower use to hardscape
- investigate some rebate possibility
- some proactive education effort
- some noise level certification effort for electric blowers

Jeremy will bring recommendations back to the committee for review at the Feb 12 SERC meeting.

### **New Business:**

#### **Committee Re-organization:**

Brandi met with all committee members over the last 2 weeks. She has defined a structure going forward. Brandi and Maryann will co-chair the committee. We will meet every other month. In between, there will be subcommittee meetings, hopefully only meeting once per month.

There will be 3 subcommittees:

- Energy Efficiency – home energy audits and analytics
- Electrification – heat pump hot water heaters (what does it mean to retrofit a typical home) and study the life cycle of a hot water heater (plan for replacement)
- Water subcommittee – garden tour, testimonials for rate case

Brandi will reach out – which subcommittees are you interested in? Also, what days and times of the week generally work best for you?

Where does building standards fit? This was addressed in the recently released Green Building Ordinance. Everything needs to migrate towards net zero by 2020. There may be an opportunity



to do more to discourage turf installations. The town may consider relaxing setbacks for solar installations, rainwater catchment installations, and other sustainability infrastructure.

**Committee Re-appointments:**

Let Brandi know if you want to continue with the committee

Meredith has left the committee since she moved out of PV. Anne-Laure is still on the committee, she was traveling for this meeting.

**Announcements:**

- Ali Taghavi introduced

**Next Meeting – Date/Time and Topics:**

Tentative Feb 12 10:30 to 12:30

**Adjournment:**

Meeting adjourned at 11:35 AM

# Tips for Using Leaf Blowers

## (and a few things to avoid)



**Leaf blowers can be an effective time-savings device, but their use does come at a cost.**

**Here are some tips on how you can best use a leaf blower:**

- Use on lowest possible speed and place nozzle as close to the ground as possible – creates less dust, less noise and wastes less fuel.
- Sweep or rake large piles first to reduce the amount of time a leaf blower needs to be used.
- Avoid using leaf blowers on “softscape” surfaces such as dirt.
- Consider using a layer of large, wood-chip mulch around plants to help keep soil in place if a leaf blower is used nearby.
- Be aware of your surroundings – if there are people or animals close by, wait until they’ve passed to start blowing to reduce their exposure to airborne dust and particulate matter.

*Excessive blowing on "softscape" removes valuable topsoil, creates more dust and debris, and disrupts the natural mulching process that is beneficial to the soil.*

### Consider switching to an Electric Leaf Blower!

Electric leaf blowers are available at competitive prices and cause significantly less noise pollution, without a significant reduction in power. The Town purchased two electric leaf-blowers that have been used successfully at the Town Center.

### Want more reasons to switch to an Electric Leaf Blower?

- Gas-powered leaf blowers create excessive noise, spew toxic chemical compounds, such as formaldehyde and hydrocarbons, and spread animal feces particulates.
- One hour of gas-powered leaf blower operation is equivalent to driving a car 1,100 miles (Los Angeles to Denver) – that’s 498 times more hydrocarbons, 49 times more particulate matter, and 26 times more carbon monoxide emitted!
- Gas-powered leaf blowers can generate noise up to 112 decibels (as loud as a car horn at 3 feet), and spread dust and particulate matter at hurricane-level speeds (over 200 mph).



### Stay Tuned – Spread the Word!

The Town is considering the creation of an incentive program to support the transition from gas-powered to electric leaf blowers. We want to hear from you on what you think would be the most successful way to encourage such a transition. Talk to your gardeners and landscape professionals about best practices, meaningful incentives, and the use of an electric leaf blower.



Contact us at [leafblowers@portolavalley.net](mailto:leafblowers@portolavalley.net) to let us know what you think!



# Consejos para Sopladores de Hojas

## (y unas cosas de evitar)

**Sopladores de hojas pueden ser efectivos en ahorrar tiempo, pero el uso viene con un precio.**

**Aquí hay unos consejos de como usar Sopladores de hojas:**

- Utilice en el ajuste de velocidad mas bajo y ponga la boquilla lo mas cerca al suelo posible – crea menos polvo, menos ruido y gasta menos combustible.
- Barra o rastrilla las hojas primero para reducir la cantidad de tiempo que tenga que usar un soplador de hojas.
- Evite usar sopladores en superficies de tierra suave .
- Considere el uso de una capa de astillas de madera grandes alrededor de plantas para mantener la tierra en su puesto si un soplador de hojas se usa cerca.
- Tenga en cuenta sus alrededores – Si hay personas o animales cerca, espera hasta que haigan pasado para continuar usando el soplador esto reduce su exposición a cualquier tipo de polvo dañino.

*Soplando excesivamente en tierra suave elimina la capa superficial del suelo. Crea mas polvo y escombros, y perturba el proceso natural que benefició a la tierra.*

### **¡Considera el cambio a un Soplador de Hojas Eléctrico!**

Sopladores de hoja a base de electricidad estan disponibles a precios competitivos que reducen el ruido, y la contaminacion sin tener ninguna reduccion de poder. La ciudad obtuvo dos sopladores de hojas eléctricos que han sido utilizados exitosamente en el centro de la ciudad.

### **¿Quiere mas razones para cambiar a Sopladores de Hojas Eléctricos?**



- Sopladores de gas crea ruido excesivo, arroja químicos toxicos llamados formaldehído y tambien riega partículas de excremento de animales en el aire.
- La operación de un soplador de hojas a base de gas por una hora es equivalente a conducir un vehículo 1,100 millas (viaje de Los Angeles a Denver) eso es 498 veces mas hidrocarburos, y 49 veces mas materia partícula, y 26 veces mas monóxido de carbono emitido!
- Sopladores de hojas a base de gas generan un ruido hasta 112 decibeles (tan fuerte como una bocina de automóvil a 3 pies de distancia), y propagan materia partícula a velocidades de nivel de huracán (mas de 200 mph).

### **¡Mantengase en sintonia y – Corra la Voz!**

La ciudad esta considerando la creación de una programa de incentivo para apollar la transición de sopladores motorizado de gas a sopladores eléctricos. Queremos oír de ti, que piensas que seria la manera mas exitosa para alentar esta transición?



**¡Contáctenos a [leafblowers@portolavalley.net](mailto:leafblowers@portolavalley.net) para dejarnos saber lo que piensas!**





## TOWN OF PORTOLA VALLEY STAFF REPORT

---

**TO:** Members of SERC

**FROM:** Jeremy Dennis, Town Manager  
Sustainability and Environmental Resources Committee

**DATE:** February 28, 2018

**RE:** Leaf Blowers – Education Program

### **RECOMMENDATION**

Town staff and the Sustainability and Environmental Resources Committee (SERC) recommend that the Town Council approve a resident education and incentive program regarding the appropriate use of leaf blowers, with an update six months after the commencement of the program.

### **BACKGROUND**

At the July 26<sup>th</sup> 2017 Council meeting, a resident requested that the Town further regulate the use of leaf blowers, citing noise, air quality, and other pollution issues. The Mayor and Vice Mayor requested that a study session be scheduled on the next available Council agenda to discuss these issues and provide direction to staff on potential next steps.

On September 13<sup>th</sup>, 2017, the Town Council held a study session about leaf blowers (Attachment 1). The Town Council directed staff to work with the SERC to recommend potential amendments to Town code.

On December 18<sup>th</sup>, 2017, staff and SERC met to discuss next steps to a potential leaf blower ordinance. Delle Maxwell volunteered to work with staff on the staff report.

On February 12<sup>th</sup>, 2018 the SERC reviewed the draft program and recommended it to the Town Council.

## **DISCUSSION**

Town Staff and SERC recommend the following:

1. Create a six-month education program for residents to learn more about the impacts of gas-powered leaf blowers:
  - a. Particulate and dust impacts
  - b. Noise impacts
  - c. Best soil/mulch management practices to reduce dust and soil loss
  - d. Alternatives to gas-powered leaf blowers
2. Create an incentive program funded by Town Sustainability resources to transition residents and landscape gardeners from gas-powered to electric leaf blowers<sup>1</sup>;
3. Return to the Council after six months to report back and review the education and incentive program and make potential recommendation on ordinance change, which could include:
  - a. Amending the Noise Ordinance to ban the use of gas-powered leaf blowers
  - b. Reviewing code enforcement opportunities and penalties of gas-powered leaf blower use violations

The education program is expected to commence in the beginning of April after the drafting and distribution of a one-page flier, in English and Spanish, describing the issues associated with leaf blower use, and suggestions on their operations. The flier will be distributed within town, but also to local gardening supply companies.

## **FISCAL IMPACT**

Fiscal impact will be a result of an incentive program, as discussed above.

## **ATTACHMENT**

1. **September 17<sup>th</sup> 2017 Town Council Staff Report**

---

<sup>1</sup> SERC members are working with the landscaping/gardening community to determine the most appropriate incentive program. There is also some consideration of a discount on the business license fee for participation in some kind of incentive program.

## ORDINANCE NO. 2018 - \_\_\_\_

**ORDINANCE ADDING CHAPTER 9.10 [NOISE CONTROL] OF  
TITLE 9 [PUBLIC PEACE, HEALTH, MORALS AND WELFARE]  
OF THE PORTOLA VALLEY MUNICIPAL CODE**

**WHEREAS**, at its February 28<sup>th</sup> meeting, the Town Council recommended that the Sustainability Committee finalize a recommendation for the future use of leaf blowers in Portola Valley;

**WHEREAS**, the Sustainability Committee met twice to discuss this matter, and finalized its recommendations at its December 17<sup>th</sup> meeting.

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

1. AMENDMENT OF CODE. Chapter 9.10 [NOISE CONTROL] of Title 9 [PUBLIC PEACE, HEALTH MORALS AND WELFARE] of the Portola Valley Municipal Code is hereby amended to read as follows:

CHAPTER 9.10 - NOISE CONTROL [§1](#)

## 9.10.010 - Purpose.

It is the policy of the town to protect its citizens from the harmful and annoying effects of excessive noise. This chapter is established to implement the noise element of the general plan and to regulate and control disturbing, excessive and offensive noise. The town encourages efforts by residents to address noise issues amicably through direct communication with their neighbors.

(Ord. 2009-380 § 1, 2009)

## 9.10.020 - Definitions.

[The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

"Ambient noise" means the composite of noise from all sources near and far. In this context, the ambient noise level constitutes the normal or existing level of environmental noise at a given location.

"A-weighted sound level (dBA)" means the sound pressure level in decibels as measured on a sound level meter using the A-weighted network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound in a

manner similar to the response of the human ear and gives a good correlation with subjective reactions to noise. Also referred to in this chapter as simply "sound level".

"Construction, grading and clearing" means construction, demolition, or repair work on any building, structure, foundation, vegetation or project, which activities include, but are not limited to: The use of any mechanically powered saw, sander, drill, grinder, pneumatic jack hammer, electric jack hammer, chain saw, steam or electric hoist, hydraulic drill or shovel, "bob-cat", backhoe, bulldozer, dump truck, or other construction device; grading; clearing of land; delivery or removal of construction materials; or movement of construction materials from place to place on a site.

"Decibel (dB)" means a unit for measuring the volume of a sound.

"Demolition" means any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces, or property.

"Domestic garden tools" means leaf blowers, weed whackers, lawn mowers, chippers, chain saws, or any other lawn or garden power tool.

"Emergency" means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate actions.

"Equivalent A-weighted sound level ( $L_{eg}$ )" means the sound level containing the same total energy as a time varying signal over a given sample period, typically one hour.

"Holidays" mean January 1<sup>st</sup>, Martin Luther King, Jr. Day, President's Day, Memorial Day, July 4<sup>th</sup>, Labor Day, Veteran's Day, Thanksgiving and Christmas. If any holiday falls on a Sunday, the next Monday shall be considered a holiday.

"Impulsive sound" means sound of short duration, usually less than one second, with an abrupt onset and rapid decay, such as hammering.

"Maximum sound level ( $I_{max}$ )" means the maximum sound level recorded during a noise event. To measure a constant sound, the "slow" sound level meter time constant setting shall be used; if the sound is impulsive, the "fast" setting shall be used.

"Noise" means any sound that annoys or disturbs a reasonable person of normal sensitivities.

"Noise sensitive land use" means locations where there are greater sensitivities to excess noise including, but not limited to, residences, hospitals, nursing homes, theaters, auditoriums, religious facilities, meeting halls, schools, libraries, museums and parks.

"Non-transportation noise source" means any source of noise that emanates from a particular fixed location. Examples include machinery, equipment, loudspeakers, truck loading areas, parking and waiting areas and places of entertainment.

"Tonal sound" means a sound that can be distinctly heard as a single pitch usually characterized by a whine, screech or hum.

"Transportation noise source" means any source of noise that emanates from vehicles in motion either associated with ground transportation (roadway) or with air traffic (airplane and helicopter).

(Ord. 2009-380 § 1, 2009)

9.10.030 - Noise Standards.

It is unlawful for any person in any location in the town from the effective date of this chapter to create or cause to be created any noise that exposes properties in the vicinity to noise levels that exceed the levels indicated in Table 9.10-1, provided that, if the noise is generated by a structure or integral part of a structure, such compliance is required within twelve months after the effective date of the ordinance, August 21, 2009. Noises permitted by Sections 9.10.040 and 9.10.070 are not subject to Table 9.10-1.

**Table 9.10-1 Non-Transportation Generated Noise Standards**

Land Use Receiving the Noise	Hourly Noise-Level Descriptor	Exterior Noise-Level Standard in Any Hour (dBA)		Interior Noise-Level Standard in Any Hour (dBA)	
		Daytime (8:00 a.m.—10:00 p.m.)	Nighttime (10:00 p.m.—7:00 a.m.)	Daytime (8:00 a.m.—10:00 p.m.)	Nighttime (10:00 p.m.—7:00 a.m.)
Residential	L <sub>eq</sub>	50	40	40	30
	L <sub>max</sub>	65	55	55	45
Medical, convalescent	L <sub>eq</sub>	55	45	45	35
	L <sub>max</sub>	70	60	55	45
Theater, auditorium	L <sub>eq</sub>			35	35
	L <sub>max</sub>			50	50
Religious facility, meeting hall	L <sub>eq</sub>	55		40	40
	L <sub>max</sub>			55	55
Office Building	L <sub>eq</sub>			45	
School, library, museum	L <sub>eq</sub>	55		40	
	L <sub>max</sub>			55	
Playground, park	L <sub>eq</sub>	55			



**Notes:**

- a) The residential standards apply to all residentially zoned properties.
- b) Each of the noise levels specified above shall be lowered by 5 dBA for tonal noises characterized by a whine, screech, or hum, noises consisting primarily of speech or music, or recurring impulsive noises.
- c) The exterior noise standards are measured at any point on the property on which sound is generated, or on a separate receiving property.
- d) The thresholds for speech interference indoors are about 45 dBA if the noise is steady and above 55 dBA if the noise is fluctuating. Outdoors, the thresholds are about 15 dBA higher. Steady noise of sufficient intensity, above 35 dBA, and fluctuating noise levels above about 45 dBA have been shown to affect sleep.

(Ord. 2009-380 § 1, 2009)

#### 9.10.040 - Permitted Sources of Noise.

No person shall do, cause or suffer or permit to be done on any premises owned, occupied or controlled by such a person, any of the following acts except as provided below. All vehicles, equipment and machines associated with the enumerated activities shall incorporate design features in good operating order that meet current industry standards for noise muffling and noise reduction. Permitted sources of noise described in this section shall be subject to applicable conditional use permit conditions, construction program agreements, town noise reduction guidelines, and other forms of regulation.

- A. Construction activities. Commercial construction activities may take place between eight a.m. and five-thirty p.m., Monday through Friday. Any resident may personally (including with the help of immediate family members) undertake construction activities during the following hours: Monday through Friday between eight a.m. and five-thirty p.m. and Saturday and Sunday between ten a.m. and five p.m. Commercial and resident construction activities are prohibited on holidays. Exceptions to these hours may be permitted in unusual circumstances pursuant to written authorization from the director of public works. No radios or other amplified sound devices shall be audible beyond the property line of the construction site.
- B. Domestic garden tools. Domestic garden tools, **including electric-powered leaf blowers**, may be used by commercial companies only Monday through Friday between eight a.m. and five-thirty p.m. and Saturday between ten a.m. and five p.m.; provided that chippers and chain saws may not be used on Saturday. Any resident may personally (including with the help of immediate family members) use domestic garden tools during the following hours: Monday through Friday between eight a.m. and five-thirty p.m. and Saturday and Sunday between ten

a.m. and five p.m. Domestic garden tools may be used by property owners only for the purpose of removing seasonal grasses and plant materials that pose a fire hazard on all days, except holidays, between eight a.m. and eight p.m. from April 15 to June 15; however, this provision does not allow the use of chain saws and chippers on Sundays. The commercial and resident use of domestic garden tools is prohibited on holidays.

- C. Large vehicle delivery and loading. For other than construction activities, the loading, unloading or delivery of goods, merchandise, vehicles or supplies by large trucks, tractor-trailers, or other similar vehicles is restricted to the hours between eight a.m. and five-thirty p.m., Monday through Friday, unless otherwise authorized by a conditional use permit.
- D. Garbage collection. Collection of garbage and other refuse is restricted to the hours between eight a.m. and five p.m., Monday through Friday, unless authorized otherwise by a franchise agreement with the town.
- E. Residential emergency generators. The testing of home generators used for emergency power is permitted only on weekdays, no more frequently than once a week and for a duration not exceeding twenty minutes restricted to the hours between ten a.m. and four p.m. Home generators shall not be tested on holidays. Home generators shall not produce a sound exceeding sixty-five dBA when measured twenty-two feet from the generator, and shall have mufflers and generator enclosures in good condition and appropriate for the generator. Emergency generators shall be located as far as possible from adjoining properties.

(Ord. 2009-380 § 1, 2009)

#### 9.10.050 - Special circumstances.

While the noise standards in this chapter are consistent with generally accepted community noise limitations, there may be circumstances where the standards do not reduce noise from non-transportation noise sources to a level appropriate for the use and the surrounding area. In such instances, and where the noise generator is controlled by a conditional use permit, the conditional use permit may establish conditions for such use to achieve noise levels that are lower than the standards in this chapter.

(Ord. 2009-380 § 1, 2009)

#### 9.10.060 - Prohibited Sources of Noise.

Notwithstanding any other provision of this chapter, the following sources of noise are prohibited:

- A. Animals and fowl. The keeping of any animal, including but not limited to, dogs, fowl and crowing roosters, which by any persistent sound or cry disturbs a reasonable person owning, using, or occupying property in the neighborhood.
- B. Sounding horns and signal devices. The sounding of any horn or signal device on any automobile, motorcycle, bus, or other vehicle in any other manner or circumstance or of any other purpose than required or permitted by the California Vehicle Code or other laws of the state.
- C. Racing engine. The racing of an engine of any motor vehicle, except when necessary to do so in the course of repairing, adjusting or testing but not so that a reasonable person owning, using or occupying property in the neighborhood is disturbed.
- D. Musical instruments, sound amplifiers and sounds in general. The making of any recurring and excessive sound or noise by any method so that the sound is plainly audible and a reasonable person owning, using, or occupying property in the neighborhood is disturbed. This prohibition includes, but is not limited to, the use or operation of any musical instrument or any device, machine, apparatus, or instrument for intensification or amplification of the human voice or music.
- E. Outdoor amplified sound on town property. The use of amplified sound outdoors on property owned by the town for any purpose unless authorized in writing by the town.
- F. Explosives, firearms, and similar devices. The use or firing of explosives, firearms, or similar devices which create impulsive sound so as to cause a noise disturbance across a real property boundary or on a public space or right-of-way, except when part of a government-authorized honor guard.
- G. Motor vehicle maintenance. Work on motor vehicles, at other than service facilities approved by the town, that is plainly audible and a reasonable person owning, using, or occupying property in the neighborhood is disturbed.
- H. Leaf blowers. Leaf blowers shall not produce a sound that exceeds sixty-five dBA when measured from a distance of fifty feet utilizing American National Standard Institute methodology. No person shall operate any leaf blower which does not bear an affixed manufacturer's label indicating the model number of the leaf blower and designating a noise level not in excess of sixty-five dBA. Any leaf blower that bears such a manufacturer's label shall be presumed to comply with any noise level limit of this chapter provided that it is operated with all mufflers and full extension tubes supplied by the manufacturer for that leaf blower. No person shall operate any leaf blower without attachment of all mufflers and full extension tubes supplied by the manufacturer for that leaf blower. This requirement becomes effective one year after the adoption of this revised chapter.
- I. Gas-Powered Leaf blowers. Notwithstanding the prohibition against gas-powered leaf blowers in Section 8.32, such leaf blowers will be permitted for emergency use if authorized by the Town Manager in writing for a specified duration.

(Ord. 2009-380 § 1, 2009)

9.10.070 - Exemptions.

Sound or noise emanating from the following sources and activities are exempt from the provisions of this ordinance:

- A. Emergencies involving the execution of the duties of duly authorized governmental personnel and others providing emergency response to the general public including, but not limited to, sworn peace officers, emergency personnel, utility personnel, and the operation of emergency response vehicles and equipment.
- B. Emergencies that pose a threat to property or safety of persons or animals and require action by a resident, including with the help of immediate family members or a commercial company.
- C. Safety, warning and alarm devices, including house and car alarms, and other warning devices that are designed to protect the health, safety, and welfare, provided such devices are well-maintained, and designed with automatic shutoffs or a direct connection to a security service, both of which turn off the device after a reasonable time limit.
- D. Gas-powered devices may be used in emergency situations and/or as needed for major storm cleanup to prevent traffic obstructions as authorized by the Town Manager in writing for a specified duration.

(Ord. 2009-380 § 1, 2009)

9.10.080 - Other Noises.

Noises not addressed in the chapter shall adhere to the most relevant provisions in the ordinance as determined by town staff or on referral to the town council.

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

3. ENVIRONMENTAL REVIEW. This Ordinance is exempt from the California Environmental Quality Act ("CEQA") because 1) it is not a project as defined by CEQA Guidelines Section 15378 as it will not result in any direct or indirect physical change in the environment; and 2) it creates a process for authorizing a use currently allowed and is therefore statutorily exempt from CEQA pursuant to CEQA Guidelines Section 15268.

4. EFFECTIVE DATE; POSTING. This ordinance is to be in effect 30 days after the date of its adoption and shall be posted within the Town in three public places.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

ATTEST

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

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

APPROVED AS TO FORM

---

Town Attorney

## ORDINANCE NO. 2018 - \_\_\_\_

**ORDINANCE ADDING CHAPTER 8.32 [LEAF BLOWER USE] OF  
TITLE 8 [HEALTH AND SAFETY] OF THE PORTOLA VALLEY  
MUNICIPAL CODE**

**WHEREAS**, at its February 28<sup>th</sup> meeting, the Town Council recommended that the Sustainability Committee finalize a recommendation for the future use of leaf blowers in Portola Valley;

**WHEREAS**, the Sustainability Committee met twice to discuss this matter, and finalized its recommendations at its December 17<sup>th</sup> meeting.

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

1. AMENDMENT OF CODE. Chapter 8.32 [LEAF BLOWER USE] of Title 8 [HEALTH AND SAFETY] of the Portola Valley Municipal Code is hereby added to read as follows:

“8.32.010 – Purpose.

The improper use of leaf blowers can contribute to respiratory ailments, increase harmful emissions into the atmosphere, and disrupt the natural mulching cycle. This section provides guidance on the appropriate use of leaf blowers, as permitted under Code Section 9.10.040

8.32.020 – Surface Use

It is unlawful to use a leaf blower on soils, mulch, dirt, or other softscapes that may contain include flowers, trees, shrubs, groundcover, or other non-hardscape surfaces.

8.32.020 – Types of Leaf Blowers Prohibited

Gas-powered leaf blowers are prohibited, as are electric leaf blowers over 65 decibels.

8.32.030 – Leaf Blower Use Exceptions

In the case of an emergency, the Town Manager may authorize the use of a gas-powered leaf blower. Any authorized use shall be in writing with a specified duration.

8.32.040 – Enforcement

The Town may enforce this section in any manner permitted by law. The violation of this Chapter shall be and is hereby declared to be a public nuisance and shall, at the discretion of the Town, create a cause of action for injunctive relief.”

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

3. ENVIRONMENTAL REVIEW. This Ordinance is exempt from the California Environmental Quality Act ("CEQA") because 1) it is not a project as defined by CEQA Guidelines Section 15378 as it will not result in any direct or indirect physical change in the environment; and 2) it creates a process for authorizing a use currently allowed and is therefore statutorily exempt from CEQA pursuant to CEQA Guidelines Section 15268.

4. EFFECTIVE DATE; POSTING. This ordinance is to be in effect 30 days after the date of its adoption and shall be posted within the Town in three public places.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

ATTEST

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

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

APPROVED AS TO FORM

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



#4

There are no written materials for STUDY SESSION  
Future of Road Work – Part 2



## TOWN OF PORTOLA VALLEY STAFF REPORT

---

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

**FROM:** Cara Silver, Town Attorney

**DATE:** January 9, 2019

**RE:** Consider Adoption of an Urgency Ordinance Amending Chapter 18.41 of the Portola Valley Municipal Code Relating to Expedited Permitting of Small Wireless Facilities to Comply with Federal Law

### **RECOMMENDATION**

Staff recommends the Town Council:

1. Find adoption of the ordinance is exempt from the California Environmental Quality Act and
2. Adopt an Urgency Ordinance Amending Chapter 18.41 of the Portola Valley Municipal Code Relating to Expedited Permitting of Small Wireless Facilities to Comply with Federal Law (Attachment 1).

### **BACKGROUND**

The tremendous growth in personal wireless services has created an increased demand for new wireless antennas and equipment. Consumers' need for increased capacity and speed also drives this demand. Existing 3G and 4G wireless technology was largely deployed using macro cell sites installed on large cell towers which created a greater coverage area, but which have a limited capacity. Increased usage of cellular data functions has subsequently increased the demand for greater capacity on cellular networks. To meet this demand, the proposed 5G network coverage (although not officially defined) is expected to consist of approximately 80 percent small cell sites. These small cell deployments are significantly smaller than previously built macro cell sites. As such small cell sites have a more limited range by serving only users within the immediate proximity and thus the industry is planning for a far greater density.

#### Telecommunications Act of 1996

Wireless telecommunications facilities are regulated by federal, state and local laws. Federal law significantly limits the Town's ability to regulate these facilities. Under the federal law, a city cannot prohibit the provision of wireless service or unreasonably discriminate among

wireless service providers. Also, under federal law, the city may not regulate the placement, construction or modification of wireless communications facilities on the basis of radio frequency (RF) emissions, so long as the facilities comply with the Federal Communications Commission (FCC) regulations concerning such emissions. Despite federal limitations, cities historically have retained ability to regulate the aesthetic of wireless facilities, including factors such as height and property line setbacks. However, federal law developments continue to erode that ability.

### The Spectrum Act

In 2012, Congress enacted the Spectrum Act.<sup>1</sup> The Spectrum Act was intended to facilitate the telecommunication industry's rapid deployment of wireless infrastructure by requiring local governments to approve any application that sought to modify an existing wireless telecommunication facility that does not "substantially change" the existing facility. The Spectrum Act itself contains no specific definitions, but in 2015, the FCC promulgated regulations containing definitions, processing requirements, timelines and remedies for applications that seek to modify an existing wireless telecommunication facility in accordance with the Spectrum Act. These FCC rules are binding on local governments. Most significantly for cities, the federal regulations established very short processing time lines (referred to as "shot clocks") of 60, 90 and 150 days depending on the type of facility.

### September 27, 2018 FCC Ruling

Most recently, on September 27, 2018, the FCC issued a ruling designed to further promote the expeditious deployment of small cell sites in the public right of way.<sup>2</sup> This ruling goes into effect on January 14, 2019. The recent FCC ruling applies to all "small wireless facilities". A small wireless facility is a facility that meets each of the following conditions:

- (1) The structure on which antenna facilities are mounted—
  - (i) Is 50 feet or less in height, or
  - (ii) Is no more than 10 percent taller than other adjacent structures, or
  - (iii) Is not extended to a height of more than 10 percent above its preexisting height as a result of the collocation of new antenna facilities; and
- (2) Each antenna (excluding associated antenna equipment) is no more than three cubic feet in volume; and
- (3) All antenna equipment associated with the facility (excluding antennas) are cumulatively no more than 28 cubic feet in volume; and
- (4) The facility does not require antenna structure registration under part 17 of this chapter;
- (5) The facility is not located on Tribal lands; and
- (6) The facility does not result in human exposure to radio frequency radiation in excess of the applicable safety standards specified in federal law.

In Portola Valley, small wireless facility applications will most likely involve attachments to existing PG&E utility or other existing communication poles as well as installation of new poles in the public right of way.

---

<sup>1</sup> 47 U.S.C. § 1455.

<sup>2</sup> Declaratory Ruling and Third Report and Order, WT Dk. No. 17-79 and WC Dk. No. 17-84.

The recent FCC ruling establishes the following new standards for small wireless facilities:

- Broad interpretation of local prohibitions: The FCC order attempts to further limit the Town's ability to adopt a regulation that "materially limits or inhibits the ability of wireless carriers."
- Cost-based fees: The FCC ruled that cities are limited to charging fees that are no greater than a "reasonable approximation" of their costs for processing applications and for managing deployments in the right of way. The FCC established a presumptively lawful, nationwide fee schedule for small cell applications as follows:
  - \$500 for a single up-front application that includes up to 5 small wireless facilities, with an additional \$100 for each small wireless facility beyond five, or \$1,000 for non-recurring fees for a new pole to support one or more small wireless facilities;
  - \$270 per small wireless facility per year for all recurring fees, including any possible ROW access fee or fee for attachment to city-owned poles in the ROW.
- Aesthetic regulations: These are not preempted if they are (1) reasonable, (2) no more burdensome than those applied to other types of infrastructure deployments and (3) published in advance.
- Underground requirements: The FCC ruled that a requirement that all wireless facilities be deployed underground would amount to an effective prohibition and is thus not permitted.
- Quid Pro Quo "in kind service": The FCC discouraged situations where the Town makes clear it will approve a deployment only on condition that the provider supply an "in-kind" service or public benefit, such as installing a communications network dedicated to Town's exclusive use.
- Batched applications: Cities cannot prohibit batched applications (i.e. multiple PG&E poles).

In addition, the recent FCC ruling established a new set of even more restrictive "shot clocks" applicable only to small wireless facilities. These shot clocks are:

- 60 days for small cell wireless facility attachments to existing poles or structures
- 90 days for small cell wireless facilities on new poles or structures.

Because the ruling significantly encroaches on cities' abilities to manage their own right of way (ROW), it is likely to be legally challenged. The ruling will continue to apply to cities unless and until a court issues an injunction against the ruling.

## **DISCUSSION**

On November 14, 2018, the Town Council conducted a Study Session to discuss how to address the FCC's new ruling.

Portola Valley's current Code requires most wireless facilities to obtain a conditional use permit to locate either on public or private property. (See Portola Valley Municipal Code Section 18.41 [Wireless Communications Facilities].) Given the new federal law shot clocks Council directed the Town Attorney to come forward with a new staff-level permitting process for small wireless facilities. Since this permitting process would be largely ministerial, the Council also directed the Town Attorney to incorporate detailed aesthetic and siting criteria. These criteria are described in more detail below.

### Minor Wireless Permit

The proposed ordinance establishes a new permit called a minor wireless permit. This permit is required for installation of a "small wireless facility" as defined by federal law. The minor wireless permit shall be issued by the Director of Planning and Building provided the applicant satisfies three findings:

1. The facility complies with all applicable local requirements, development standards, standard conditions of approval and published staff regulations;
2. The facility will be in compliance with FCC rules pertaining to human exposure to RF emissions; and
3. For facilities in the right of way, the applicant shall locate on an existing public utility or communication pole (provided one exists within 200 feet of the proposed location).

(Section 18.41.050.)

### Building Permit/Encroachment Permit

In addition to the planning permit, small wireless facilities will also require a building permit if located on private property and both a building permit and an encroachment permit if located in the public right of way. These additional permits will assure compliance with structural and electrical requirements. (Section 18.41.050.)

### Pre-Submittal Meeting

Because federal law has preempted State laws regarding submitting complete applications, it is becoming more standard to require pre-submittal meetings before accepting wireless applications. This requires the applicant to sit down with Town staff to discuss the particular application and to hopefully address major obstacles before an application is formally filed. The proposed ordinance requires pre-submittal meetings for all wireless applications. In addition, wireless applications must be submitted in-person in order to flush out early identified sites. (Section 18.41.070 (C)(D).)

### Aesthetic Standards

The proposed ordinance contains detailed design criteria that focus on concealing and camouflaging the facilities as much as possible. (Section 18.41.080 (B)(7).) As it is likely that technology will change over time, the ordinance allows the Director of Planning and Building to adopt staff level regulations that provide more specific guidance to applicants. The current draft of staff level regulations is included as Attachment 2. Key elements of the draft regulations include:

- A preference for top-mounted, circular antennas that blend in with the support pole over antennas that project out from the pole

- Pole-mounted equipment cabinets shall have a vertical orientation and be flush mounted to blend in with the pole
- Ground-mounted equipment cabinets may be used when they can be screened sufficiently and result in the equipment being less visible overall

#### Undergrounding Districts

New poles may not be erected in underground districts unless applicant shows it is infeasible to locate outside the district. In such case, all associated equipment to extent feasible must be located underground. (Section 18.41.080 (B)(4).)

#### Setbacks

Under existing law, wireless facilities are subject to a 50-foot setback from adjoining properties. The proposed ordinance eliminates this requirement for small wireless facilities located in the right of way or in a public utility easement. (Section 18.41.080 (B)(2).) The ordinance's prohibition against locating wireless facilities on any residentially zoned and developed property continues.

#### Maximum Equipment Dimensions

Federal law defines a small wireless facility as containing antenna equipment no more than three cubic feet in volume and other associated equipment no more than 28 cubic feet in volume.<sup>3</sup> At the study session, council members expressed concern about the size of facilities and expressed a desire to prescribe maximum dimensions. The proposed ordinance addresses this in two ways. First it requires all antennas to be flush mounted on the pole. (Section 18.41.080 (B)(7) (d).) Second it prescribes maximum dimensions for pole mounted antenna and above ground equipment enclosures. (Section 18.41.080 (B)(7) (d).) See Attachment 3 for diagram.

#### Insurance Requirements

The proposed ordinance requires permit holders to carry at least \$1Million in insurance per installation in the public right of way, to list the Town as an additional insured on such policy and to renew the policy annually. (Section 18.41.080 (C)(19).)

#### Compatibility with Public Infrastructure

Wireless facilities shall not block, obstruct or otherwise interfere with use of public trails, rights of way and other public infrastructure. (Section 18.41.080 (B)(14).)

#### Additional Regulations

The proposed ordinance authorizes the Directors of Planning and Building and Public Works to adopt additional regulations to implement the ordinance. (Section 18.41.080 (D).)

Portola Valley has been talking to several carriers about possible ROW applications. Staff has informed them of its intent to update the town's procedures and we anticipate they will engage with us on this process.

---

<sup>3</sup> 47 Code of Federal Regulations Section 1.6002(l).

**FISCAL IMPACT**

Adoption of the ordinance would not result in any fiscal impact. The Town is examining whether a cost of service fee study will be necessary to justify new processing fees. There may be additional costs associated with the processing of additional small wireless facility applications.

**ENVIRONMENTAL REVIEW**

This ordinance is exempt for the provisions of the California Environmental Quality Act pursuant to CEQA Guideline Section 15061, 15301, 15302 and 15305 in that it simply establishes a comprehensive permitting scheme.

**Attachments:**

Attachment 1: [Urgency Ordinance Amending Chapter 18.41 of the Portola Valley Municipal Code](#)

Attachment 2: [Director of Planning and Building Regulations](#)

Attachment 3: [Diagram of Maximum Equipment Dimensions](#)

**Approved by:** Jeremy Dennis, Town Manager



**ORDINANCE NO. \_\_\_\_\_**

**AN URGENCY ORDINANCE OF THE TOWN OF PORTOLA VALLEY AMENDING  
CHAPTER 18.41 [WIRELESS COMMUNICATION FACILITIES] OF THE PORTOLA  
VALLEY MUNICIPAL CODE**

**WHEREAS**, on September 27, 2018, the Federal Communications Commission (FCC) issued a ruling designed to further promote the expeditious deployment of small cell sites in the public right of way. This ruling goes into effect on January 14, 2019;

**WHEREAS**, federal law largely preempts local regulation in the field of wireless facilities, the Town of Portola Valley must amend its local ordinance to be consistent with federal law;

**WHEREAS**, the effective date of the new federal regulations does not permit the Town to adopt a regular ordinance;

**WHEREAS**, Government Code Section 36937 (b) authorizes the Town Council to adopt an urgency ordinance for the immediate preservation of the public peace, health, or safety provided it contains a declaration of the facts constituting the urgency and is passed by a four-fifths vote of the Town Council;

**WHEREAS**, the current ordinance establishes reasonable public peace, health and safety regulations in that it attempts to balance the need for expeditious deployment of small wireless services with the community values of rural character, protection of trees and landscaping, screening of unsightly infrastructure and safe placement in the right of way;

**WHEREAS**, the failure of the Town Council to immediately amend its Code to implement federal law, would permit wireless carriers to assert a right to access the right of way and private property under federal law with no regard to public peace, health or safety regulation; and

**WHEREAS**, accordingly, this urgency ordinance is required to protect the immediate preservation of the public peace, health or safety.

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

1. AMENDMENT OF CODE. Chapter 18.41 [Wireless Communication Facilities] of the Portola Valley Municipal Code is hereby amended to read as follows:



## CHAPTER 18.41

### WIRELESS COMMUNICATION FACILITIES

#### Sections:

- 18.41.010 Purpose.
- 18.41.020 Definitions.
- 18.41.030 Location.
- 18.41.040 Exempt facilities.
- 18.41.050 Minor wireless permit required and required findings.~~Preference for certain wireless communication facilities.~~
- 18.41.060 Conditional use permit required and required findings.
- 18.41.070 Permit approval process, permit life and application requirements.
- 18.41.080 Development requirements and standards, approval conditions.
- 18.41.090 Operation and maintenance standards.
- 18.41.100 Certification of facilities.
- 18.41.110 Duration, revocation and discontinuance.

#### 18.41.010 Purpose.

The purpose of this chapter is to establish standards, regulations and procedures to ensure that personal wireless communication facilities in Portola Valley are provided to the benefit of the community while limiting, to the maximum extent feasible, the potential for aesthetic and other impacts of such facilities on town residents. These provisions have been enacted to be consistent with the Telecommunications Act of 1996.

#### 18.41.020 Definitions.

As used in this chapter and this title, certain terms are defined as set forth herein.

- A. Antenna. "Antenna" is any system of wires, panels, rods, reflecting discs or similar devices used for the transmission or reception of electromagnetic signals. Does not include any support structure upon which the antenna is mounted.
- B. Antenna Structure. "Antenna structure" is any structure including a pole, mast, or tower, whether freestanding or mounted on another structure, that supports an antenna or an array of antennas. The height of an antenna structure is measured to the highest point of any antenna

- mounted thereon, or the antenna structure supporting the antenna, whichever is higher.
- C. Camouflaged Facility. "Camouflaged facility" is a wireless communication facility located or designed so as to be of minimal visibility, such as being incorporated within an architectural feature, for example a steeple or parapet, or disguised as a tree or other natural feature.
  - D. Certification. "Certification" is a certificate by an approved radio frequency expert that a facility will be designed, and at all times operated, in full compliance with current United States Government Federal Communication Commission (FCC) guidelines for human exposure to radio frequency emissions.
  - E. Co-location. "Co-location" is the use of a wireless communications facility by more than one personal wireless service provider that does not involve any substantial increase in the existing antenna tower or pole or other associated structures.
  - F. Distributed Antenna Systems (DAS). "Distributed antenna systems" is a wireless communication facility system, licensed by the FCC, that consists of small antennas mounted on utility poles or buildings, all connected with fiber optic cable, either buried or strung between the utility poles.
  - G. Equipment Enclosure. "Equipment enclosure" is a structure or fenced enclosure designed to enclose equipment used in connection with a wireless communications facility.
  - H. Personal Wireless Services. "Personal wireless services" means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services. The services include cellular services, Personal Communication Services (PCS), specialized mobile radio services and paging services.
  - I. Personal Wireless Service Provider (Provider). "Personal wireless service provider" is an entity licensed by the FCC to provide personal wireless services to individuals or institutions.
  - J. Radio Frequency Emission Evaluation. "Radio frequency emission evaluation" is the calculation of radio-frequency emission levels utilizing FCC standards.
  - K. Radio Frequency Emission. "Radio frequency emission or RF emission" is electromagnetic emissions from wireless communication facilities as regulated by the FCC.
  - L. Radio Frequency Expert. "Radio frequency expert" is a person or firm specializing in radio frequency telecommunications technology, including wireless site design, retained by the town at the applicant's sole expense to perform work as provided for in this chapter or as may be requested by the town in consideration of any conditional use permit application for a wireless communication facility.

- M. Significant Gap. "Gap" is a geographic area of the town in which the existing radio frequency signal level for a particular wireless service provider is less than the minimum levels established by the FCC. To be "Significant," the wireless service provider applying for a permit under the provisions of this chapter must demonstrate that specific factors are present, supported by substantial evidence, proving that the "gap" is not merely individual dead spots within a greater service area. All applications for permits under this chapter shall include a report defining the gap with specific supporting technical data addressing factors that make the gap significant. This report shall be subject to radio frequency expert review on behalf of the town and the any application shall not be deemed complete until such review has been completed.
- N. Small Wireless Facilities. "Small wireless facilities" are facilities as defined in 47 C.F.R Section 1.6002(l) that meet all of the following conditions:
- (1) The facilities—
    - (i) are mounted on structures 50 feet or less in height including their antennas, or
    - (ii) are mounted on structures no more than 10 percent taller than other adjacent structures, or
    - (iii) do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater;
  - (2) Each antenna associated with the deployment, excluding associated antenna equipment, is no more than three cubic feet in volume;
  - (3) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;
  - (4) The facilities do not require antenna structure registration under 47 C.F.R. Part 17;
  - (5) The facilities are not located on Tribal lands; and
  - (6) The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 C.F.R. section 1.1307(b).
- For purposes of this chapter, the Planning and Building Director may elect to treat co-locations, modifications or replacements of wireless transmission equipment at an existing wireless tower or base station as described in Section 6409 of the Spectrum Act as small wireless facilities.
- N. Wireless Communication Facility. "Wireless communication facility" is any device or system for the transmitting and/or receiving of electromagnetic signals, including but not limited to radio waves and microwaves, for cellular technology, personal wireless services, mobile

services, paging systems and related technologies. Facilities include antennas, microwave dishes, parabolic antennas and all other types of equipment used in the transmission and reception of such signals; structure for the support of such facilities, associated buildings and cabinets to house support equipment and other accessory improvements. Unless the context indicates otherwise, a wireless communication facility shall include small wireless facilities. A television or radio antenna, when accessory to a principal or conditional use, shall not be considered a wireless communication facility.

- O. Wireless Communication Tower (Tower). "Wireless communication tower" is any structure intended to support one or more antennas used to transmit and/or receive electromagnetic communications signals, including but not limited to poles and camouflaged facilities.

#### **18.41.030 Location.**

Wireless communication facilities that serve primarily the town and its spheres of influence are permitted in all zoning districts when a minor wireless permit or conditional use permit is granted pursuant to as provided for in Chapter 18.72 of this title and pursuant to the provisions set forth in this chapter.

#### **18.41.040 Exempt Facilities.**

The following facilities shall be exempt from the conditional use permit requirements of this chapter:

- A. Video Receive-Only Antenna. A television antenna, whether ground or building mounted, for the sole use of occupants of the parcel on which such antenna is located, with a height that conforms to the limits of this title.
- B. Satellite Dish Antenna. A receive-only radio or satellite dish antenna, whether ground or building mounted, not exceeding one meter (39.37 inches) in diameter for the sole use of occupants of the parcel on which such antenna is located.
- C. Citizens Band or Amateur Radio Antenna. A ground or building mounted citizen band or federally licensed amateur radio operator antenna that conforms to the height limits of this title and any building code provisions relative to the antenna support system.
- D. Town Antennas. Receive and/or transmit station antennas and antenna supports owned and operated by the Town of Portola Valley. The design and placement of such antennas shall, however, be subject to architectural review pursuant to the provisions of Chapter 18.64 of this title.
- E. Microcells, Picocells, WiFi, and Similar Systems for Individual Private Use. A facility that serves an individual home or business and is limited

to an individual residence or business where service is intended to be provided within the boundary of the individual building or property.

F. Small Wireless Facilities permitted under Section 18.41.050 of this Chapter.

**18.41.050 — Preference for certain wireless communication facilities.**

- ~~In adopting the wireless communication facilities regulations, standards and procedures set forth in this chapter, the town recognizes that technological advances in the wireless communication industry will continue and there are significant data suggesting smaller cell systems, not requiring towers, may become commercially feasible in the foreseeable future. Therefore, both in application data and permit processing requirements, preferences and incentives are provided for systems that do not require the installation of new towers.~~

~~A. Distributed Antenna Systems (DAS), Small Cell or "Cube" Systems. DAS and any similar small cell systems that make use of antennas mounted on existing utility poles, or other very small cell or "cube" type systems that only require electrical power and connection to a telephone line, and with flexible location needs, shall comply with the conditional use permit requirements for such facilities, but the time for application processing shall be ninety days from the time the application is deemed complete. Further, the planning commission may, during the preliminary review of the application, determine other permit streamlining actions that would be appropriate in light of the specific characteristics of the proposal.~~

~~B. Camouflaged Facility. If a new tower is proposed, the location should be such that the tower and antenna can be camouflaged so that facility is in general harmony with the setting. Further, landscaping shall be provided to ensure all aspects of the facility blend with the vegetative setting of the site.~~

**18.41.050 Minor wireless permit required and required findings.**

A. Minor wireless permit required. A minor wireless permit shall be required for any small wireless facility. In addition, for small wireless facilities proposed in the right of way, a revocable encroachment permit and a building permit shall be required. For small wireless facilities proposed on private property, a building permit shall be required. An application shall not be deemed complete until applicant has complied with the filing requirements for all applicable permits.

B. Minor wireless permit findings. The Director of Planning and Building shall approve or conditionally approve an application for a minor wireless permit submitted under this Chapter when the director finds all of the following:

1. The proposed small wireless facility complies with all applicable basic requirements, development standards and standard conditions of approval in Section 18.41.080; and

2. The applicant has demonstrated that its proposed small wireless facility will be in compliance with all applicable FCC rules and regulations for human exposure to RF emissions.

3. For any installations in the right of way or in a public utility easement, the applicant shall locate on an existing utility or communications pole. If the applicant proposes to install a new pole, and there is an existing pole within 200 feet of the proposed new pole, the applicant shall provide a technical, health, safety or economic rationale for not locating on such existing pole.

#### **18.41.060 Conditional use permit required and required findings.**

A. Conditional Use Permit Required. A conditional use permit shall be required for any wireless communication facility that does not meet the exemption requirements set forth in [Section 18.41.040](#). The application requirements, review and action procedures for the conditional use permit shall be as provided for in [Chapter 18.72](#) of this title and subject to the additional requirements set forth herein.

B. Additional Conditional Use Permit Findings. In granting a conditional use permit for a wireless communication facility, the planning commission shall make the following findings in addition to those set forth in [Section 18.72.130](#) of this title:

1. The placement, construction, or modification of the facility in the proposed location is necessary for the provision of wireless communication services to close a significant gap in coverage in the town.

2. The proposed site location and facility design have the least potential for adverse impacts and are the least intrusive means to close the service gap when compared to other feasible locations and system designs.

3. When a proposed wireless communication facility is not co-located with other existing or proposed facilities or a new freestanding pole or tower is proposed, at least one of the following findings shall be made:

- a. Co-location is not reasonably feasible;
- b. Co-location would have greater adverse effects on views, noise, or aesthetics as compared to stand-alone installation;
- c. Co-location would materially and unreasonably impair the quality of service to the existing or to the proposed facility.

#### **18.41.070 Permit approval process, permit life and application requirements.**

A. Basic Application Requirements. The basic application submittal requirements and approval process for wireless communication facilities shall be as provided for in [Chapter 18.72](#) of this title. In addition, the following shall pertain to applications for conditional use permits, minor wireless permits or ~~or~~ permit amendments for wireless communication facilities.

B. Application Guidelines. The Town Council authorizes the Director of Planning and Building and the Director of Public Works to establish other reasonable

rules and regulations and update or amend permit application requirements, forms, checklists that the Directors find necessary or useful for processing any application governed by this Chapter. All such guidelines or applications issued under this authority shall be in writing and shall be made publicly available on the City's website.

C. Pre-Submittal Conference. Before applying for a CUP or minor wireless permit for a wireless communications facility, the applicant shall schedule and attend a pre-submittal conference with the Public Works Director and/or the Planning and Building Director. The pre-submittal conference is intended to streamline the review process through informal discussion that includes, without limitation, any issues relative to the proposed or existing wireless communication facility, potential concealment issues, coordination with other City departments responsible for application review. The City shall use reasonable efforts to provide the applicant with an appointment within 5 working days after receiving a written request and any applicable fee or deposit to reimburse the Town for its reasonable costs to provide the services rendered in the pre-submittal conference.

D. Submittal Appointment. All applications under this Chapter must be submitted to the City at a pre-scheduled appointment with the Director. Applicants may generally submit one application per appointment but may batch applications for small wireless facilities. The Director shall use reasonable efforts to provide the applicant with an appointment within 5 working days after the Director receives a written request and, if applicable, confirms that the applicant complied with the pre-submittal conference requirement. Any application received without an appointment, whether delivered in-person, by mail or through any other means, will not be considered duly filed unless the applicant received a written exemption from the Director at a pre-submittal conference.

E. Application Duly FiledCompleteness. An application shall not be deemed duly filed complete and no time period for reaching a decision regarding the application shall begin to run until the applicant has provided all of the project information and plans required by this title or by forms and checklists established by the planning department and all required application fees and deposits have been paid by the applicant. Further, any required study or report, performed at the request of the town by a radio frequency expert or other expert retained by the town, shall be provided prior to the application being deemed complete and all such studies or reports shall be at the expense of the applicant and funds shall be deposited in advance to cover the cost of any such study or report.

~~C. Time Period for Action. Unless modified by other provisions of this chapter or title, action on a use permit for a new wireless communication facility or amendment to a permit for an existing facility shall be within one hundred fifty days of the date the application was filed with the town. For amendment to a permit for co-location of a new antenna on an existing facility, the time period for action shall be ninety days of the date the application was filed with the town. The town shall make an applicant aware in writing of an incomplete application within thirty days of the filing of the application. If an application is deemed incomplete the time period for action shall be suspended from the date of the written notice until such time that the~~

~~data and information requested have been received by the town and the application deemed complete by town. These time periods may be waived with the concurrence of the applicant.~~

FD. Permit Life. If a conditional use permit or minor wireless permit is granted, the minimum permit life shall be ten years unless a shorter life is allowed for under controlling federal or state of California standards and regulations. In particular, use permits for wireless facilities in any utility undergrounding district established by the town shall be limited to an initial life of five years. In any case, the intent is to limit the initial life of the permit to the minimum so that if less intrusive technologies become available they can be considered and, where found appropriate through the use permit process implemented to minimize potential impacts on the community.

GE. Additional Application Requirements for Wireless Communication Facilities. The following additional application information shall be required for all wireless communication facility proposals unless waived by the ~~planning commission approving body~~ based on data provided by the applicant or upon recommendation by the ~~town planner~~ Planning and Building Director:

1. Identification of the proposed provider of the facility, if a different entity from the applicant, and the identification of and contact information for the person to whom communications from the town should be delivered. If the applicant and/or service provider has more than one facility in the town or has or is seeking multiple permits the applicant's contact person shall be someone who has full knowledge of all of the service providers' wireless communication facilities within the town.

2. Statement signed by the applicant, service provider if different from the applicant, and property owner if different from the applicant. The statement shall confirm that the owner of the proposed facilities and the owner of the property upon which the facilities are to be located, if not the owner of the facilities, both acknowledge responsibility for maintenance and removal of the facilities according to the provisions of set forth herein or any specific conditions of a use permit granted by the town for the facilities.

3. A map depicting coverage at maximum power and design capacity identifying any significant gaps in coverage. The map shall include all existing and proposed facilities of the service provider within the town and its spheres of influence that have relevance to service in the town and the significant gap analysis. The scale of the map shall be as determined by the Planning and Building Director ~~town planner~~. This requirement shall not apply to small wireless facilities.

4. Site plan for the location of the facility showing all existing and proposed features, in compliance with any checklist submittal requirements, and at a level of detail and scale as established by the ~~town planner~~ Planning and Building Director. At a minimum, the site plan shall include all material elements of the proposed facility including equipment, cabinets, cable, antenna, and antenna support layout, as well as camouflage elements (if provided); colors, setbacks, grading,



dimensions, and utilities and utility connections. Any work or improvements necessary within the public right-of-way shall clearly be identified.

5. Plans and elevations, drawn to scale, for the antennas, support structures, equipment enclosure, and/or towers, including plans and elevations of any existing buildings on the site that would be used for the facility.

6. Description of proposed approach for screening all facilities from public view including plans for installation and maintenance of landscaping, and sample exterior materials and colors. Where applicable, a plan showing existing surrounding landscaping, proposed landscaping, a landscape protection plan for construction, a maintenance plan and irrigation plan.

7. A narrative description of the service providers existing coverage area and of the proposed coverage area of the specific site that is the subject of the application. Technical information shall be included explaining the reasons that a permit is being sought, the reasons that the subject site is necessary to accomplish the provider's coverage objectives; and the reasons that the proposed site is the most appropriate location under existing circumstances. This narrative and technical data shall include a detailed analysis of the service gap that is to be filled and evaluation of the factors that the applicant finds make the gap significant. Factors to be evaluated shall include, but not be limited to:

- (a) The nature and character of the area to be served, including the number of potential users in the area;
- (b) If the facilities are needed to improve coverage and/or services in an existing service area or to fill a complete void in coverage;
- (c) Drive tests results demonstrating lack of coverage;
- (d) Lack of coverage on well-traveled road;
- (e) Impact of the gap in coverage on public safety.

This requirement shall not apply to small wireless facilities.

8. Copies of all submittals and showings pertaining to: FCC licensing, a complete initial environmental study on forms provided by the town; FAA notice of construction or alteration; and all data, assumptions, and calculations relating to service coverage and power levels, regardless of whether categorical exemption from routine environmental evaluation under any FCC rule is claimed.

9. A visual analysis to assess the effects on views and aesthetics from public areas and from private residences, and to address cumulative impacts of the proposed facility and other existing and foreseeable wireless communications facilities, including foreseeable co-location facilities. As required by the ~~town planner~~Planning and Building Director, the analysis may utilize a photomontage, field mock-up or other techniques. The analysis shall include feasible mitigations for any effects identified. If a proposed tower or structure is visible from a public right-of-way, then the applicant shall submit either a photo simulation of the proposed tower or structure from one or more locations along the public right-of-way, the locations of which shall be indicated on a map of suitable scale.

10. A report by an approved radio frequency expert estimating the cumulative radio frequency emissions and compliance with FCC OET Bulletin 65 that would result if the proposed facility is approved. The report shall include data on existing levels of radio frequency levels at the site prior to facility development and any additional locations requested by the ~~town planner~~Planning and Building Director.

11. An alternative site analysis, submitted by the applicant and subject to independent expert review by the town, that shall at a minimum:

(a) Identify and indicate on a map viable and technically feasible alternative locations for the facility. Radio frequency plots of the alternative locations shall be provided as part of the alternatives analysis. For each alternative location so identified, the applicant shall describe the type of facility and design measures that could be used at that location so as to minimize negative visual, noise and aesthetic impacts.

(b) Evaluate the potential for co-location with existing wireless communications facilities as an alternative to the proposed facility.

(c) Compare, across the same set of evaluation criteria and to similar levels of description and detail, the relative merits of the proposed wireless communications facility site with those of each of the identified technically feasible alternative locations and facility designs, and all technically feasible inter-carrier roaming agreements. Such comparison analysis shall rank each of the alternatives (i.e., the proposed location/facility and each of the technically feasible location/design alternatives) in terms of impacts (i.e., from least to most impacts on visual, noise and aesthetic concerns), and shall support such ranking with appropriate analysis.

(d) Include photo-simulations of each of the alternatives (i.e., the proposed location/facility and each of the technically feasible location/design alternatives).

This requirement shall not apply to small wireless facilities.

HF. Specific Submittal Requirements for Towers. All applications for new tower construction, or significant modification of an existing tower shall include:

1. An analysis of alternative technologies to the tower system for providing service to fill the identified gap. The analysis shall demonstrate that the tower is the least intrusive means to fill the significant gap, within the FCC limitations placed on the service provider and that within the reasonably foreseeable future, alternative technologies will not be commercially available to fill the identified gap.

This requirement shall not apply to small wireless facilities.

2. A professional structural engineer's certification of the tower structure's capacity to safely sustain all projected loads as well as such structure's compliance with the Telecommunication Industry Association Structural Standard for Antenna Supporting Structures and Antennas and all federal, state and local laws, rules, and regulations. The analysis shall specifically address the tower's ability to withstand the maximum anticipated wind loads and the "maximum credible earthquake" for the site as determined by the town geologist.

3. A description of available space on the tower, providing illustrations of the wireless communications facilities that will be mounted on the structure now or in the future as shown on the project plans.

I.G. Technical Review. The ~~town planner~~Planning and Building Director shall employ, on behalf of the town, an approved radio frequency expert to review the application submittal and provide determinations and recommendations on such issues as project design, radio frequency coverage, significant gap analysis, compliance with radio frequency emissions standards, the identification of alternative locations and technologies. The costs of said review and any administrative costs, to be determined by the ~~town planner~~Planning and Building Director, shall be deposited with the town in advance by the applicant. Any unexpended deposited funds shall be promptly returned to the applicant after the conclusion of the final appeal period for action taken by the planning commission, or after an appeal to the town council, or upon withdrawal of the application by the applicant. The applicant shall promptly reimburse the town for such costs paid by town that exceed the deposited amount. No applicant shall be issued a permit while still owing the town reimbursement pursuant to this section.

**18.41.080 Development requirements and standards, approval conditions.**

A. Basic Requirements. All new or modified wireless communications facilities shall comply with all of the following basic requirements:

1. California Environmental Quality Act and California Building Standards Code, as the same may be amended.

2. Applicable FCC rules, regulations, and standards, as the same may be amended.

3. All providers shall cooperate in the locating of equipment and antennas to accommodate the maximum number of providers at a given site where feasible and aesthetically desirable, as determined by the town. This will facilitate the co-location of wireless communications facilities. The applicant and provider shall agree to allow future co-location of additional antennas and shall not enter into an exclusive lease for the use of the wireless communications facility site.

4. All equipment shall be situated or sufficiently buffered to minimize interference with the quiet enjoyment, including adverse visual, noise and aesthetic impacts, of adjacent properties.

5. All equipment, antennas, poles, cables, hardware, and towers shall have a non-reflective finish and shall be painted or otherwise treated to minimize visual and aesthetic impacts.

6. Faux tree structures shall include appropriate antenna camouflaging elements, as well as three-dimensional bark cladding from the base to the top of the "trunk" and along all portions of each branch, and branch coverage shall be dense and natural, and no portion of any antennas shall protrude beyond the branches.

7. All wireless communications facilities shall provide sufficient security measures and anti-climbing measures in the design of the facility to reduce the potential for damage, theft, trespass, and injury.

8. All wireless communication facilities shall have battery or generator back-up for use in the time of an emergency when normal power sources are not available. The back-up power system shall be capable of running the facility for at least forty-eight hours. This requirement shall not apply to small wireless facilities.

9. All wireless communication facilities permit applications shall be subject to design review by the architectural and site control commission (ASCC) as provided for in Chapter 18.64 of this title. This requirement shall not apply to small wireless facilities.

B. Development Standards. The following development standards shall be met by all new wireless communications facilities, including those that are proposed as significant changes to an existing facility:

1. Height. Antenna and the support structure (tower, pole, etc.) may not exceed a height of fifty feet unless it is determined, based on technical review, that the additional height is necessary to fill the identified gap and/or the added height will allow for co-location of facilities for more than one carrier. Provided, however, that the added height shall only be permitted if aesthetic mitigations, as determined necessary, are included in the design and the approving bodyplanning commission finds that the mitigations reduce impacts to acceptable levels.

2. Setbacks. The base of the tower or antenna support structure shall be at least fifty feet from any adjacent property boundary unless the approving bodyplanning commission determines that a closer distance to a boundary would result in less overall aesthetic impacts. This requirement shall not apply to small wireless facilities located in the right of way or in a public utility easement.

3. Residential properties. In residential zoning districts, antenna and necessary equipment enclosures and support structures shall only be located on properties not residentially developed. Specifically, sites with other utility installations are preferred including sites with water tanks. Residentially zoned properties beyond those currently used only for utilities, e.g., water tanks, pump stations, etc., may be considered only if they are vacant.

4. ~~Wireless communication facilities may be installed on existing or new joint utility poles within the public rights-of-way.~~ Undergrounding districts. No new pole, however, shall be permitted in an area designated as a utility undergrounding district, unless applicant shows it is infeasible to locate outside the district. If such finding is made, all associated equipment to extent feasible be located underground.

5. Installation in Right of Way. Any facility in a public right-of-way shall be subject to encroachment permit requirements of the public works director.

65. Compliance with Laws. Any wireless communication facilities shall at all times comply with the most current applicable federal and state laws

relative to electromagnetic radiation. If, after facility installation, the applicable provisions are modified to be more restrictive, the facility operator shall have one hundred twenty days from the effective date of the change to be in compliance with the more restrictive standards.

76. Aesthetic requirements. Wireless communication facilities shall be designed to blend into the environment of the site and the area surrounding the site to the maximum extent feasible. Specifically, the design, scale, form and colors of all aspects of the facility should ensure that the facility does not stand out from its surroundings or otherwise call visual attention to itself. If, for example, a faux tree is to be considered, the tree design and materials should be selected to ensure they integrate into the site and area in a visually unobtrusive manner. Further, additional landscaping shall be provided as necessary to ensure such integration.

a. Screening and Camouflage. All wireless communications facilities shall be designed, screened and/or camouflaged to the greatest extent possible in one or more of the following ways:

i. Substantially screened from the view of surrounding properties and the public view or co-located with existing facilities or structures so as not to create substantial visual, noise, or aesthetic impacts;

ii. Sited within areas with substantial screening by existing vegetation;

iii. Designed to appear as natural features found in the immediate area, such as trees, so as to be unnoticeable (camouflaged facilities); or

iv. Screened with additional trees and other native or adapted vegetation which shall be planted and maintained around the wireless communications facility, in the vicinity of the project site, and along access roads, where such vegetation is appropriate and deemed necessary to screen the facilities. Such landscaping, including irrigation, shall be installed and maintained by the permittee and property owner, as long as the permit is in effect.

b. Equipment Cabinets. Any equipment enclosure shall be designed to be architecturally compatible with existing structures on the site or found in the immediate area. Such equipment shelters shall be limited to the housing of radio, electronic, and related power equipment. Any fencing shall conform to the provisions of Chapter 18.43 of this title.

c. Colors. The color of all antennas, cabinets, equipment, and mounting brackets shall be approved by the Planning and Building Director.

d. Attachment. Antennas and all associated equipment shall be flush mounted on the pole unless such mounting impairs the operation of the facility in which case they should be mounted as close to the pole as possible.

e. Maximum Equipment Dimensions. No small wireless antenna shall exceed 4 feet from top of antenna to bottom of antenna or extend more than 3 feet from the surface of the pole. No above ground equipment enclosure shall exceed a total of 4 feet in height, 6 feet in width and 6 feet in length.

f. Wires and conduits. Wires and conduits shall be placed underground and run inside poles where feasible. Wires mounted to the outside of poles shall be covered.

87. Geologic map. Siting of any new personal wireless communication facility shall conform to the "utility" provisions of town's geologic map and land movement potential map policies as set forth in town council Resolution 2506-2010, or as it may be amended.

98. New facilities. New proposed facilities shall be designed and built, to the extent feasible, to facilitate co-location by providers that might reasonably be expected to desire to be located at the proposed site.

109. Underground conduit. All radio frequency data, telephone, fiber optics, and power lines to, from, and within a wireless communications facility, where feasible, shall be installed underground within conduits of size large enough to accommodate at least one additional provider.

110. Warning Signs. All camouflaged facilities including, but not limited to, "faux trees" that emit radio frequency emissions shall be posted with warning signs to the public as legally required by the FCC on and around antennas and equipment shelters, and at all access points to the property upon which such facility is located. Such signs shall be clearly defined on the conditional use permit application plans.

~~11. All wireless communications facilities shall be designed, screened and/or camouflaged to the greatest extent possible in one or more of the following ways:~~

~~a. Substantially screened from the view of surrounding properties and the public view or co-located with existing facilities or structures so as not to create substantial visual, noise, or aesthetic impacts;~~

~~b. Sited within areas with substantial screening by existing vegetation;~~

~~c. Designed to appear as natural features found in the immediate area, such as trees, so as to be unnoticeable (camouflaged facilities); or~~

~~d. Screened with additional trees and other native or adapted vegetation which shall be planted and maintained around the wireless communications facility, in the vicinity of the project site, and along access roads, where such vegetation is appropriate and deemed necessary to screen the facilities. Such landscaping, including irrigation, shall be installed and maintained by the permittee and property owner, as long as the permit is in effect.~~

12. Third Party Review. Where the ~~Director of Planning and Building~~Planning and Building Director ~~town planner~~ finds that proposed wireless communications facilities have the potential to create a significant interference with the quiet enjoyment of the surrounding area or neighborhood, including adverse visual, noise and aesthetic impacts, the ~~town planner~~Planning and Building Director may require an independent, third-party review, at the expense of the applicant, to identify such considerations as potential impacts on the surrounding area or

neighborhood and to identify potential alternative solutions, and to identify any lesser intrusive means of providing coverage by the project applicant.

13. Noise Standards. ~~Further, all~~ facilities shall be designed and operated to conform to the minimum noise standards contained in Chapter 9.10 (Noise Control) of the Portola Valley Municipal Code. Failure to comply with the town's adopted noise standard after written notice and opportunity to cure have been given shall be grounds for the town to conduct a revocation hearing regarding the permit granted pursuant to this section.

~~143. Any equipment enclosure shall be designed to be architecturally compatible with existing structures on the site or found in the immediate area. Such equipment shelters shall be limited to the housing of radio, electronic, and related power equipment. Any fencing shall conform to the provisions of Chapter 18.43 of this title.~~

145. Compatibility with Public Infrastructure. Facilities shall not block, obstruct, impair or otherwise interfere with the use of public trails, rights of way, culverts, storm drains and other public infrastructure. Placement of facilities near such infrastructure shall take into account such infrastructure's current and future use.

C. Standard Conditions of Approval. In addition to any other conditions the approving body deems necessary to preserve the public health, safety and welfare, all permits issued pursuant to this chapter shall be subject to the following conditions unless modified by the action of the approving authority:

1. The permittee shall obtain all other permits and agreements necessary to install and operate the wireless communications facilities in conformance with federal, state, and local laws, rules and regulations.

2. Wireless communications facilities and related equipment, including lighting, fences, shields, cabinets, and poles, shall be maintained in good condition and repair, free from trash, debris, litter and graffiti and other forms of vandalism, and any damage from any cause shall be repaired as soon as practicable, and in no instance more than seven (7) days from the time of notification by the town or after discovery by the permittee.

3. When no longer in service for a continuous period of ninety days, the facility shall be subject to discontinuance of use provisions and procedures set forth in Section 18.41.110B. of this chapter.

4. The permittee shall reimburse the town on demand for all costs incurred for work the applicant has failed to perform within thirty days upon notice that the work is required to comply with conditions of permit approval.

5. The town reserves the right of its employees and agents to inspect permitted facilities upon reasonable notice to the permittee during normal business hours. In case of an emergency or risk of imminent harm to persons or property in the vicinity of permitted facilities, the town reserves the right to enter upon the site of such facilities and to support, disable, or remove those elements of the

facilities posing a public nuisance as necessary to preserve the public health or safety.

6. The permit issued hereunder shall expire within one year of the effective date of issuance if the applicant fails to commence construction within that period; provided, however the ~~planning commission~~ approving body may renew any such permit for up to a single one-year period if a request to renew is received by the town at least sixty calendar days before the approvals lapse.

7. Permits issued pursuant to this section shall expire at 12:00 p.m. local time ten years from the effective date of the permit issuance unless otherwise specified in the permit.

8. Any permit shall be reviewed at the Planning and Building Director's discretion, upon receipt of a written complaint, ~~unless otherwise noted, every two years~~ by the ~~approving body~~ planning commission for conformity with the conditions of the permit. The permittee or any future owner of the facilities shall be responsible for any town costs associated with the periodic review of the permit or any other town reviews required by permit conditions.

9. The permittee or any future owner may request an extension of the ten-year life (or five-year life for permits in undergrounding districts) of the permit if the request is made at least six months before the expiration date. The planning commission shall consider the request at a duly noticed public hearing and shall consider changes in technology that would permit alternative means of providing comparable wireless services with less aesthetic impacts. The commission may require replacement of facilities, if less intrusive service alternatives are available, as a condition of extending the life of the use permit. The commission also may require other permit extension conditions it finds necessary to ensure consistency with the intent and objectives of this chapter.

10. If the wireless facilities or property on which the facilities are located, are transferred to another owner, the town shall be notified as soon as possible after the transfer has been recorded.

11. Prior to issuance of a building permit for any wireless facilities or a minor wireless permit for a small wireless facility, the permittee and property owner (if a separate entity) shall enter into an agreement with the town guaranteeing maintenance of the site and facilities, including required landscaping, and removal of the facilities if they are no longer used. This agreement shall be to the satisfaction of the town attorney and shall be binding on all future owners of the property and wireless facilities. Further, the agreement shall provide for removal of the facilities at the end of the use permit life unless the permit has been extended by the ~~planning commission~~ approval body as provided for herein. Bonds or other sureties shall be provided to cover the guarantees to the satisfaction of town staff.

12. The landscape maintenance agreement shall specifically provide for timely replacement of any screen planting that has not survived and addition of new landscaping if installed materials are not achieving the screening anticipated with permit approval.



13. Within forty-five days of the installation of the wireless facilities and thereafter on an annual basis, the permittee shall furnish data to the satisfaction of ~~town planner~~Planning and Building Director verifying compliance with town noise ordinance standards and all FCC requirements including radio frequency emission standards. The carrier shall submit upon site commissioning, or completion of any approved site modification affecting the radio frequency system, a radio frequency radiation emission test report based on field measurements taken at the site and the immediate surroundings, to demonstrate compliance with FCC standards. Such radio frequency radiation emission test reports shall also be submitted periodically after town acceptance of the initial report pursuant to any schedule as may be provided for in the specific provisions of the use permit.

14. In the event radio frequency emissions tests required by the permit indicate non-compliance with FCC adopted standards, the carrier shall immediately inform the town of the non-compliance and the steps needed to bring the facilities into compliance. The carrier shall commence corrective action as soon as town approval has been received and shall notify the town when compliance has been achieved. Unless compliance is achieved within sixty days of town approval, the town may take steps to revoke or modify the conditions of this permit.

15. The permittee or any future owner of ~~the~~ a tower facility shall allow for co-location of up to two additional wireless carriers on the facility, if so required by the planning commission based on the specific site conditions and application analyses.

16. As new technology becomes available, the permittee shall upgrade the facility as feasible to minimize impacts upon the community, including aesthetic impacts. If the facility is not upgraded, as feasible, within a reasonable amount of time, the town may take steps to revoke or modify the conditional use permit. At the time of each required two-year review, the applicant shall provide a report to the planning commission on the state-of-the art as to wireless service and less intrusive technology that is available. If the information demonstrates that less intrusive technology is readily available or becoming available, and feasible to employ at the site, the report shall set forth a time frame for site conversion. The framework for determining feasibility of conversion shall be as determined by the town attorney.

17. The permit holder shall notify the town in writing of any work to be completed at the facility at least two weeks prior to the start of work. The written notification shall include the intended start and finish dates of the work, a description of the type of work, and contact information for a person who can provide additional information or answer questions. The carrier shall not make any system modifications that may affect the radio frequency radiation emissions without prior approval from the town. The permittee shall submit a radio frequency emissions study reflecting any proposed changes to the site and consider the radio frequency emissions of all co-located entities. Work needed to bring the facility into compliance with FCC standards for radio frequency emissions shall not require a two-week notification period but shall commence as soon as the town has approved the work.

18. The permittee shall defend, indemnify and hold harmless the town, its agents and officers and employees from any claim, action, or proceeding related to the town's approval of this use permit.

19. Within 10 days of permit issuance, permittee shall deliver to Town an insurance certificate for general commercial liability that names the Town of Portola Valley as an additional insured in an amount of at least \$1,000,000 in coverage per occurrence per installation in the public right of way. Permittee shall annually renew this coverage and ensure the Town is listed as an additional insured.

D. Additional Administrative Regulations. The Planning and Building Director and/or the Public Works Director shall have the authority to adopt additional regulations implementing this Chapter. Any such regulations shall be published on the Town's website and publicly available upon request.

#### **18.41.090 Operation and maintenance standards.**

All wireless communications facilities shall at all times comply with the operation and maintenance standards provided for in and unique conditions of use permit approval and the Basic Standards, Development Standards and Standard Conditions of Approval set forth in Sections 18.41.080A., B., and C. of this chapter. Failure to comply shall be considered a violation of conditions of approval subject to enforcement pursuant to provisions of this title, revocation or modification pursuant to Chapter 18.72 of this title, or any other applicable provision of law. Further, subject to these same enforcement provisions, all wireless communications facilities shall at all times comply with the following standards:

A. Any physical modification of an existing facility permitted pursuant to the provisions of this chapter, shall require the applicant to apply for a conditional use permit or small wireless permit amendment for such modification unless the ~~town planner~~Planning and Building Director determines that the modification is minor and in substantial compliance with the general framework of the approved ~~use~~ permit. If the ~~town planner~~Planning and Building Director determines that the proposed modification is minor, and that an amendment to the use permit is not required, the ~~town planner~~Planning and Building Director may, nonetheless, require additional landscaping or other stipulations in line with the scope of the modifications to ensure the facilities continue to be used consistent with provisions of the approved use permit.

B. Each owner or operator of a wireless communications facility shall provide signage identifying the name, site number or other unique identifier, and local or toll-free phone number of a party to contact at any time regarding the facility. Such signage shall be placed at a location where it can be readily viewed without entering any fenced or secured area of the facility and shall be subject to review and approval by the ASCC.

C. Except for emergency repairs, testing and maintenance activities that will be audible beyond the property line shall only occur between the hours of 8:00 a.m. and 5:30 p.m. on Monday through Friday, excluding legal holidays. Backup

power generators shall only be operated during periods of power outages or for testing. At no time shall equipment noise from any source exceed the standards specified in Chapter 9.10 (Noise Control) of the Portola Valley Municipal Code.

**18.41.100 Certification of facilities.**

A. Every wireless communications facility shall at any and all times comply with the FCC's Office of Engineering and Technology Bulletin 65, and all other FCC rules. In order to ensure continuing compliance with the conditions of permit approval, all wireless communications facilities shall be reviewed by a town approved radio frequency expert in accord with the schedule and procedures set forth below. All costs of such inspections and expert review shall be borne by the permittee. The permittee shall provide a deposit for such reviews and promptly reimburse the town for the cost of such expert inspection and review that exceeds the deposit amount. The town may require, at the permittee's expense, independent verification of the results of any analysis. If a permittee fails to supply the required reports or fails to correct a violation of any condition of permit approval following notification, the conditional use permit is subject to modification or revocation by the planning commission pursuant to Section 18.72.240 of this title.

1. Within forty-five days of initial operation, and all modifications thereafter, of a wireless communications facility, the permittee shall submit written certification of compliance with the approved application, any applicable FCC radio-frequency requirements, and all conditions of permit approval to the ~~town planner~~Planning and Building Director.

2. For every wireless communication facility site authorized by a conditional use permit or minor wireless permit, once each year the town may retain, at the permittees expense, a town approved radio frequency expert to conduct an unannounced radio frequency emissions evaluation of the wireless communications facility's compliance with the approved application, any required radio frequency emissions conditions and all conditions of permit approval.

3. The town may reasonably require inspection of a tower (including all facilities attached to the tower) by a licensed structural engineer following significant storms, seismic events, or other events, which may jeopardize the structural integrity of the towers (or the facilities attached to the towers). Such inspections shall be at the applicant's cost, and the engineer's written report, with original signature, shall be provided to the town within the time specified by the ~~town planner~~Planning and Building Director.

4. If the ~~town planner~~Planning and Building Director at any time finds that there is good cause to believe that a wireless communications facility is not in compliance with applicable FCC radio-frequency standards, the ~~town planner~~Planning and Building Director may require the provider to submit written certification that the facility is in compliance with such FCC standards, supported by technically adequate documentation.

B. The provider of any wireless communications facility that was approved by the town before the effective date of this chapter, shall submit within six months

from the date of notification, to the ~~town planner~~Planning and Building Director, written certification that the facility is in compliance with the approved application, any required conditions of permit approval and applicable FCC radio-frequency requirements, to be reviewed by the town's approved radio frequency expert. Permittee shall promptly reimburse the town for the cost of such expert review. If the facility does not comply with the conditions of permit approval or applicable FCC requirements, the provider shall cease operation of the facility until the facility is brought into compliance. In order to assure the objectivity of the analysis, the town may require, at the applicant's expense, independent verification of the results of the analysis.

C. Any wireless communications facility that was approved by the town prior to the effective date of this section, and continues to operate within the conditions of the approved permit, and which does not comply with this section on the date of its adoption shall be considered a lawful non-conforming use provided that the provider of such facility submits the information required in subsection B. of this section. Upon application for any permit extension or modification, however, the lawful non-conforming use shall be subject to the provisions of this chapter.

D. Failure to submit the information required in this section will be considered a violation of the zoning ordinance. Any facility found in violation is subject to revocation or modification pursuant to Chapter 18.72 of this title.

E. Radio frequency emissions evaluations filed by wireless service providers shall be retained by the town and shall be available to the public upon request.

#### **18.41.110 Duration, revocation and discontinuance.**

##### **A. Duration of Permits and Approvals.**

1. Actual construction of a wireless communications facility pursuant to an approved conditional use permit or minor wireless permit must be initiated within one year from the date of final approval. If actual construction has not begun within one year from the date of final approval, the permit shall be deemed expired, and all rights granted pursuant to the permit shall be revoked; provided, however the approving body~~planning commission~~ may renew any such permit for up to a single one-year period if a request to renew is received by the town at least sixty calendar days before the approvals lapse.

2. An approved wireless communications facility must be fully constructed and activated within onetwo ~~years~~ from the date of final approval. If not fully constructed and activated within two years from the date of final approval, the permit shall be deemed expired, and all rights granted pursuant to the permit shall be revoked.

3. In the event that the ~~town planner~~Planning and Building Director finds that the applicant has not maintained the facility in compliance with all applicable federal, state or Portola Valley Municipal Code requirements and conditions of approval, the ~~town planner~~Planning and Building Director may

recommend that the planning commission initiate a revocation procedure as provided by Section 18.72.240 of this title.

4. Costs associated with the process of monitoring compliance, reevaluation of a conditional use permit or minor wireless permit, and extension, revocation or modification of approval shall be borne by the permittee.

B. Discontinuance of Use. All equipment and improvements associated with a wireless communications facility shall be removed within ninety days of the discontinuation of the use and the site shall be restored to its original, preconstruction condition, or as approved by the ~~town planner~~Planning and Building Director upon review and recommendation of the ASCC. Written verification of the removal of wireless communications facilities on private property shall be provided to the ~~town planner~~Planning and Building Director within ninety days of the discontinuation of the use.

1. If the provider fails to remove the wireless communications facilities from the site as required herein, the property owner shall be responsible for removal. If such facilities are not removed, the site shall be deemed to be a public nuisance and the town may take such action as it deems appropriate to abate the public nuisance in accordance with provisions of this code and any other applicable provision of law.

2. Failure to inform the ~~town planner~~Planning and Building Director of cessation of operations of any existing facility shall constitute a violation of the zoning ordinance and be grounds for:

- a. Civil prosecution;
- b. Revocation or modification of the permit pursuant to Section 18.72.240 of this title; and/or
- c. Removal of the facilities by the town at the property owner's expense, which may result in a lien on the property.

C. Existing Uses. All equipment and improvements associated with a wireless communications facility permitted as of the date of passage of this chapter that are consistent with the provisions of the conditional use permit for such facility, shall be allowed to continue as they presently exist, but will be considered legal nonconforming uses insofar as they do not comply with standards stated in this section. Maintenance of the facilities consistent with the provisions of the conditional use permit shall be permitted. However, any extension of a conditional use permit life and all alterations or new construction, other than routine and/or required maintenance on existing towers, antennas, buildings, or other facilities shall comply with the requirements of this chapter.

2. ENVIRONMENTAL REVIEW. This ordinance is exempt for the provisions of the California Environmental Quality Act pursuant to CEQA Guideline Section 15061, 15301, 15302 and 15305 in that it simply establishes a comprehensive permitting scheme.

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

4. EFFECTIVE DATE; POSTING. This ordinance shall be posted within the Town of Portola Valley in three (3) public places and shall become effective immediately under Government Code Section 36937(b).

INTRODUCED:

PASSED:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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

ATTEST

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

APPROVED AS TO FORM:

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

ORDINANCE NO. \_\_\_\_\_

**AN URGENCY ORDINANCE OF THE TOWN OF PORTOLA VALLEY AMENDING  
CHAPTER 18.41 [WIRELESS COMMUNICATION FACILITIES] OF THE PORTOLA  
VALLEY MUNICIPAL CODE**

**WHEREAS**, on September 27, 2018, the Federal Communications Commission (FCC) issued a ruling designed to further promote the expeditious deployment of small cell sites in the public right of way. This ruling goes into effect on January 14, 2019;

**WHEREAS**, federal law largely preempts local regulation in the field of wireless facilities, the Town of Portola Valley must amend its local ordinance to be consistent with federal law;

**WHEREAS**, the effective date of the new federal regulations does not permit the Town to adopt a regular ordinance;

**WHEREAS**, Government Code Section 36937 (b) authorizes the Town Council to adopt an urgency ordinance for the immediate preservation of the public peace, health, or safety provided it contains a declaration of the facts constituting the urgency and is passed by a four-fifths vote of the Town Council;

**WHEREAS**, the current ordinance establishes reasonable public peace, health and safety regulations in that it attempts to balance the need for expeditious deployment of small wireless services with the community values of rural character, protection of trees and landscaping, screening of unsightly infrastructure and safe placement in the right of way;

**WHEREAS**, the failure of the Town Council to immediately amend its Code to implement federal law, would permit wireless carriers to assert a right to access the right of way and private property under federal law with no regard to public peace, health or safety regulation; and

**WHEREAS**, accordingly, this urgency ordinance is required to protect the immediate preservation of the public peace, health or safety.

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

1. AMENDMENT OF CODE. Chapter 18.41 [Wireless Communication Facilities] of the Portola Valley Municipal Code is hereby amended to read as follows:

## CHAPTER 18.41

### WIRELESS COMMUNICATION FACILITIES

#### Sections:

- 18.41.010 Purpose.**
- 18.41.020 Definitions.**
- 18.41.030 Location.**
- 18.41.040 Exempt facilities.**
- 18.41.050 Minor wireless permit required and required findings.**
- 18.41.060 Conditional use permit required and required findings.**
- 18.41.070 Permit approval process, permit life and application requirements.**
- 18.41.080 Development requirements and standards, approval conditions.**
- 18.41.090 Operation and maintenance standards.**
- 18.41.100 Certification of facilities.**
- 18.41.110 Duration, revocation and discontinuance.**

#### **18.41.010 Purpose.**

The purpose of this chapter is to establish standards, regulations and procedures to ensure that personal wireless communication facilities in Portola Valley are provided to the benefit of the community while limiting, to the maximum extent feasible, the potential for aesthetic and other impacts of such facilities on town residents. These provisions have been enacted to be consistent with the Telecommunications Act of 1996.

#### **18.41.020 Definitions.**

As used in this chapter and this title, certain terms are defined as set forth herein.

- A. Antenna. "Antenna" is any system of wires, panels, rods, reflecting discs or similar devices used for the transmission or reception of electromagnetic signals. Does not include any support structure upon which the antenna is mounted.
- B. Antenna Structure. "Antenna structure" is any structure including a pole, mast, or tower, whether freestanding or mounted on another structure, that supports an antenna or an array of antennas. The height of an antenna structure is measured to the highest point of any antenna mounted thereon, or the antenna structure supporting the antenna, whichever is higher.



- C. Camouflaged Facility. "Camouflaged facility" is a wireless communication facility located or designed so as to be of minimal visibility, such as being incorporated within an architectural feature, for example a steeple or parapet, or disguised as a tree or other natural feature.
- D. Certification. "Certification" is a certificate by an approved radio frequency expert that a facility will be designed, and at all times operated, in full compliance with current United States Government Federal Communication Commission (FCC) guidelines for human exposure to radio frequency emissions.
- E. Co-location. "Co-location" is the use of a wireless communications facility by more than one personal wireless service provider that does not involve any substantial increase in the existing antenna tower or pole or other associated structures.
- F. Distributed Antenna Systems (DAS). "Distributed antenna systems" is a wireless communication facility system, licensed by the FCC, that consists of small antennas mounted on utility poles or buildings, all connected with fiber optic cable, either buried or strung between the utility poles.
- G. Equipment Enclosure. "Equipment enclosure" is a structure or fenced enclosure designed to enclose equipment used in connection with a wireless communications facility.
- H. Personal Wireless Services. "Personal wireless services" means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services. The services include cellular services, Personal Communication Services (PCS), specialized mobile radio services and paging services.
- I. Personal Wireless Service Provider (Provider). "Personal wireless service provider" is an entity licensed by the FCC to provide personal wireless services to individuals or institutions.
- J. Radio Frequency Emission Evaluation. "Radio frequency emission evaluation" is the calculation of radio-frequency emission levels utilizing FCC standards.
- K. Radio Frequency Emission. "Radio frequency emission or RF emission" is electromagnetic emissions from wireless communication facilities as regulated by the FCC.
- L. Radio Frequency Expert. "Radio frequency expert" is a person or firm specializing in radio frequency telecommunications technology, including wireless site design, retained by the town at the applicant's sole expense to perform work as provided for in this chapter or as may be requested by the town in consideration of any conditional use permit application for a wireless communication facility.
- M. Significant Gap. "Gap" is a geographic area of the town in which the existing radio frequency signal level for a particular wireless service

provider is less than the minimum levels established by the FCC. To be "Significant," the wireless service provider applying for a permit under the provisions of this chapter must demonstrate that specific factors are present, supported by substantial evidence, proving that the "gap" is not merely individual dead spots within a greater service area. All applications for permits under this chapter shall include a report defining the gap with specific supporting technical data addressing factors that make the gap significant. This report shall be subject to radio frequency expert review on behalf of the town and the any application shall not be deemed complete until such review has been completed.

N. Small Wireless Facilities. "Small wireless facilities" are facilities as defined in 47 C.F.R Section 1.6002(l) that meet all of the following conditions:

(1) The facilities—

(i) are mounted on structures 50 feet or less in height including their antennas, or

(ii) are mounted on structures no more than 10 percent taller than other adjacent structures, or

(iii) do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater;

(2) Each antenna associated with the deployment, excluding associated antenna equipment, is no more than three cubic feet in volume;

(3) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;

(4) The facilities do not require antenna structure registration under 47 C.F.R. Part 17;

(5) The facilities are not located on Tribal lands; and

(6) The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 C.F.R. section 1.1307(b).

For purposes of this chapter, the Planning and Building Director may elect to treat co-locations, modifications or replacements of wireless transmission equipment at an existing wireless tower or base station as described in Section 6409 of the Spectrum Act as small wireless facilities.

N. Wireless Communication Facility. "Wireless communication facility" is any device or system for the transmitting and/or receiving of electromagnetic signals, including but not limited to radio waves and microwaves, for cellular technology, personal wireless services, mobile services, paging systems and related technologies. Facilities include antennas, microwave dishes, parabolic antennas and all other types of

equipment used in the transmission and reception of such signals; structure for the support of such facilities, associated buildings and cabinets to house support equipment and other accessory improvements. Unless the context indicates otherwise, a wireless communication facility shall include small wireless facilities. A television or radio antenna, when accessory to a principal or conditional use, shall not be considered a wireless communication facility.

- O. Wireless Communication Tower (Tower). "Wireless communication tower" is any structure intended to support one or more antennas used to transmit and/or receive electromagnetic communications signals, including but not limited to poles and camouflaged facilities.

#### **18.41.030 Location.**

Wireless communication facilities that serve primarily the town and its spheres of influence are permitted in all zoning districts when a minor wireless permit or conditional use permit is granted pursuant to this chapter.

#### **18.41.040 Exempt Facilities.**

The following facilities shall be exempt from the conditional use permit requirements of this chapter:

- A. Video Receive-Only Antenna. A television antenna, whether ground or building mounted, for the sole use of occupants of the parcel on which such antenna is located, with a height that conforms to the limits of this title.
- B. Satellite Dish Antenna. A receive-only radio or satellite dish antenna, whether ground or building mounted, not exceeding one meter (39.37 inches) in diameter for the sole use of occupants of the parcel on which such antenna is located.
- C. Citizens Band or Amateur Radio Antenna. A ground or building mounted citizen band or federally licensed amateur radio operator antenna that conforms to the height limits of this title and any building code provisions relative to the antenna support system.
- D. Town Antennas. Receive and/or transmit station antennas and antenna supports owned and operated by the Town of Portola Valley. The design and placement of such antennas shall, however, be subject to architectural review pursuant to the provisions of Chapter 18.64 of this title.
- E. Microcells, Picocells, WiFi, and Similar Systems for Individual Private Use. A facility that serves an individual home or business and is limited to an individual residence or business where service is intended to be provided within the boundary of the individual building or property.

- F. Small Wireless Facilities permitted under Section 18.41.050 of this Chapter.

**18.41.050 Minor wireless permit required and required findings.**

A. Minor wireless permit required. A minor wireless permit shall be required for any small wireless facility. In addition, for small wireless facilities proposed in the right of way, a revocable encroachment permit and a building permit shall be required. For small wireless facilities proposed on private property, a building permit shall be required. An application shall not be deemed complete until applicant has complied with the filing requirements for all applicable permits.

B Minor wireless permit findings. The Director of Planning and Building shall approve or conditionally approve an application for a minor wireless permit submitted under this Chapter when the director finds all of the following:

1. The proposed small wireless facility complies with all applicable basic requirements, development standards and standard conditions of approval in Section 18.41.080; and

2. The applicant has demonstrated that its proposed small wireless facility will be in compliance with all applicable FCC rules and regulations for human exposure to RF emissions.

3. For any installations in the right of way or in a public utility easement, the applicant shall locate on an existing utility or communications pole. If the applicant proposes to install a new pole, and there is an existing pole within 200 feet of the proposed new pole, the applicant shall provide a technical, health, safety or economic rationale for not locating on such existing pole.

**18.41.060 Conditional use permit required and required findings.**

A. Conditional Use Permit Required. A conditional use permit shall be required for any wireless communication facility that does not meet the exemption requirements set forth in [Section 18.41.040](#). The application requirements, review and action procedures for the conditional use permit shall be as provided for in [Chapter 18.72](#) of this title and subject to the additional requirements set forth herein.

B. Additional Conditional Use Permit Findings. In granting a conditional use permit for a wireless communication facility, the planning commission shall make the following findings in addition to those set forth in [Section 18.72.130](#) of this title:

1. The placement, construction, or modification of the facility in the proposed location is necessary for the provision of wireless communication services to close a significant gap in coverage in the town.

2. The proposed site location and facility design have the least potential for adverse impacts and are the least intrusive means to close the service gap when compared to other feasible locations and system designs.

3. When a proposed wireless communication facility is not co-located with other existing or proposed facilities or a new freestanding pole or tower is proposed, at least one of the following findings shall be made:

- a. Co-location is not reasonably feasible;
- b. Co-location would have greater adverse effects on views, noise, or aesthetics as compared to stand-alone installation;
- c. Co-location would materially and unreasonably impair the quality of service to the existing or to the proposed facility.

**18.41.070 Permit approval process, permit life and application requirements.**

A. Basic Application Requirements. The basic application submittal requirements and approval process for wireless communication facilities shall be as provided for in Chapter 18.72 of this title. In addition, the following shall pertain to applications for conditional use permits, minor wireless permits or permit amendments for wireless communication facilities.

B. Application Guidelines. The Town Council authorizes the Director of Planning and Building and the Director of Public Works to establish other reasonable rules and regulations and update or amend permit application requirements, forms, checklists that the Directors find necessary or useful for processing any application governed by this Chapter. All such guidelines or applications issued under this authority shall be in writing and shall be made publicly available on the City's website.

C. Pre-Submittal Conference. Before applying for a CUP or minor wireless permit for a wireless communications facility, the applicant shall schedule and attend a pre-submittal conference with the Public Works Director and/or the Planning and Building Director. The pre-submittal conference is intended to streamline the review process through informal discussion that includes, without limitation, any issues relative to the proposed or existing wireless communication facility, potential concealment issues, coordination with other City departments responsible for application review. The City shall use reasonable efforts to provide the applicant with an appointment within 5 working days after receiving a written request and any applicable fee or deposit to reimburse the Town for its reasonable costs to provide the services rendered in the pre-submittal conference.

D. Submittal Appointment. All applications under this Chapter must be submitted to the City at a pre-scheduled appointment with the Director. Applicants may generally submit one application per appointment but may batch applications for small wireless facilities. The Director shall use reasonable efforts to provide the applicant with an appointment within 5 working days after the Director receives a written request and, if applicable, confirms that the applicant complied with the pre-submittal conference requirement. Any application received without an appointment, whether delivered in-person, by mail or through any other means, will not be considered duly filed unless the applicant received a written exemption from the Director at a pre-submittal conference.

E. Application Duly Filed. An application shall not be deemed duly filed and no time period for reaching a decision regarding the application shall begin to run until the applicant has provided all of the project information and plans required by this title or by forms and checklists established by the planning department and all required application fees and deposits have been paid by the applicant. Further, any required study or report, performed at the request of the town by a radio frequency expert or other expert retained by the town, shall be provided prior to the application being deemed complete and all such studies or reports shall be at the expense of the applicant and funds shall be deposited in advance to cover the cost of any such study or report.

F. Permit Life. If a conditional use permit or minor wireless permit is granted, the minimum permit life shall be ten years unless a shorter life is allowed for under controlling federal or state of California standards and regulations. In particular, use permits for wireless facilities in any utility undergrounding district established by the town shall be limited to an initial life of five years. In any case, the intent is to limit the initial life of the permit to the minimum so that if less intrusive technologies become available they can be considered and, where found appropriate through the use permit process implemented to minimize potential impacts on the community.

G. Additional Application Requirements for Wireless Communication Facilities. The following additional application information shall be required for all wireless communication facility proposals unless waived by the approving body based on data provided by the applicant or upon recommendation by the Planning and Building Director:

1. Identification of the proposed provider of the facility, if a different entity from the applicant, and the identification of and contact information for the person to whom communications from the town should be delivered. If the applicant and/or service provider has more than one facility in the town or has or is seeking multiple permits the applicant's contact person shall be someone who has full knowledge of all of the service providers' wireless communication facilities within the town.

2. Statement signed by the applicant, service provider if different from the applicant, and property owner if different from the applicant. The statement shall confirm that the owner of the proposed facilities and the owner of the property upon which the facilities are to be located, if not the owner of the facilities, both acknowledge responsibility for maintenance and removal of the facilities according to the provisions of set forth herein or any specific conditions of a use permit granted by the town for the facilities.

3. A map depicting coverage at maximum power and design capacity identifying any significant gaps in coverage. The map shall include all existing and proposed facilities of the service provider within the town and its spheres of influence that have relevance to service in the town and the significant gap analysis. The scale of the map shall be as determined by the Planning and Building Director. This requirement shall not apply to small wireless facilities.

4. Site plan for the location of the facility showing all existing and proposed features, in compliance with any checklist submittal requirements, and at a level of detail and scale as established by the Planning and Building Director. At a minimum, the site plan shall include all material elements of the proposed facility including equipment, cabinets, cable, antenna, and antenna support layout, as well as camouflage elements (if provided); colors, setbacks, grading, dimensions, and utilities and utility connections. Any work or improvements necessary within the public right-of-way shall clearly be identified.

5. Plans and elevations, drawn to scale, for the antennas, support structures, equipment enclosure, and/or towers, including plans and elevations of any existing buildings on the site that would be used for the facility.

6. Description of proposed approach for screening all facilities from public view including plans for installation and maintenance of landscaping, and sample exterior materials and colors. Where applicable, a plan showing existing surrounding landscaping, proposed landscaping, a landscape protection plan for construction, a maintenance plan and irrigation plan.

7. A narrative description of the service providers existing coverage area and of the proposed coverage area of the specific site that is the subject of the application. Technical information shall be included explaining the reasons that a permit is being sought, the reasons that the subject site is necessary to accomplish the provider's coverage objectives; and the reasons that the proposed site is the most appropriate location under existing circumstances. This narrative and technical data shall include a detailed analysis of the service gap that is to be filled and evaluation of the factors that the applicant finds make the gap significant. Factors to be evaluated shall include, but not be limited to:

- (a) The nature and character of the area to be served, including the number of potential users in the area;
- (b) If the facilities are needed to improve coverage and/or services in an existing service area or to fill a complete void in coverage;
- (c) Drive tests results demonstrating lack of coverage;
- (d) Lack of coverage on well-traveled road;
- (e) Impact of the gap in coverage on public safety.

This requirement shall not apply to small wireless facilities.

8. Copies of all submittals and showings pertaining to: FCC licensing, a complete initial environmental study on forms provided by the town; FAA notice of construction or alteration; and all data, assumptions, and calculations relating to service coverage and power levels, regardless of whether categorical exemption from routine environmental evaluation under any FCC rule is claimed.

9. A visual analysis to assess the effects on views and aesthetics from public areas and from private residences, and to address cumulative impacts of the proposed facility and other existing and foreseeable wireless communications facilities, including foreseeable co-location facilities. As required by the Planning and

Building Director, the analysis may utilize a photomontage, field mock-up or other techniques. The analysis shall include feasible mitigations for any effects identified. If a proposed tower or structure is visible from a public right-of-way, then the applicant shall submit either a photo simulation of the proposed tower or structure from one or more locations along the public right-of-way, the locations of which shall be indicated on a map of suitable scale.

10. A report by an approved radio frequency expert estimating the cumulative radio frequency emissions and compliance with FCC OET Bulletin 65 that would result if the proposed facility is approved. The report shall include data on existing levels of radio frequency levels at the site prior to facility development and any additional locations requested by the Planning and Building Director.

11. An alternative site analysis, submitted by the applicant and subject to independent expert review by the town, that shall at a minimum:

(a) Identify and indicate on a map viable and technically feasible alternative locations for the facility. Radio frequency plots of the alternative locations shall be provided as part of the alternatives analysis. For each alternative location so identified, the applicant shall describe the type of facility and design measures that could be used at that location so as to minimize negative visual, noise and aesthetic impacts.

(b) Evaluate the potential for co-location with existing wireless communications facilities as an alternative to the proposed facility.

(c) Compare, across the same set of evaluation criteria and to similar levels of description and detail, the relative merits of the proposed wireless communications facility site with those of each of the identified technically feasible alternative locations and facility designs, and all technically feasible inter-carrier roaming agreements. Such comparison analysis shall rank each of the alternatives (i.e., the proposed location/facility and each of the technically feasible location/design alternatives) in terms of impacts (i.e., from least to most impacts on visual, noise and aesthetic concerns), and shall support such ranking with appropriate analysis.

(d) Include photo-simulations of each of the alternatives (i.e., the proposed location/facility and each of the technically feasible location/design alternatives).

This requirement shall not apply to small wireless facilities.

H. Specific Submittal Requirements for Towers. All applications for new tower construction, or significant modification of an existing tower shall include:

1. An analysis of alternative technologies to the tower system for providing service to fill the identified gap. The analysis shall demonstrate that the tower is the least intrusive means to fill the significant gap, within the FCC limitations placed on the service provider and that within the reasonably foreseeable future, alternative technologies will not be commercially available to fill the identified gap. This requirement shall not apply to small wireless facilities.

2. A professional structural engineer's certification of the tower structure's capacity to safely sustain all projected loads as well as such structure's



compliance with the Telecommunication Industry Association Structural Standard for Antenna Supporting Structures and Antennas and all federal, state and local laws, rules, and regulations. The analysis shall specifically address the tower's ability to withstand the maximum anticipated wind loads and the "maximum credible earthquake" for the site as determined by the town geologist.

3. A description of available space on the tower, providing illustrations of the wireless communications facilities that will be mounted on the structure now or in the future as shown on the project plans.

I. Technical Review. The Planning and Building Director shall employ, on behalf of the town, an approved radio frequency expert to review the application submittal and provide determinations and recommendations on such issues as project design, radio frequency coverage, significant gap analysis, compliance with radio frequency emissions standards, the identification of alternative locations and technologies. The costs of said review and any administrative costs, to be determined by the Planning and Building Director, shall be deposited with the town in advance by the applicant. Any unexpended deposited funds shall be promptly returned to the applicant after the conclusion of the final appeal period for action taken by the planning commission, or after an appeal to the town council, or upon withdrawal of the application by the applicant. The applicant shall promptly reimburse the town for such costs paid by town that exceed the deposited amount. No applicant shall be issued a permit while still owing the town reimbursement pursuant to this section.

**18.41.080 Development requirements and standards, approval conditions.**

A. Basic Requirements. All new or modified wireless communications facilities shall comply with all of the following basic requirements:

1. California Environmental Quality Act and California Building Standards Code, as the same may be amended.

2. Applicable FCC rules, regulations, and standards, as the same may be amended.

3. All providers shall cooperate in the locating of equipment and antennas to accommodate the maximum number of providers at a given site where feasible and aesthetically desirable, as determined by the town. This will facilitate the co-location of wireless communications facilities. The applicant and provider shall agree to allow future co-location of additional antennas and shall not enter into an exclusive lease for the use of the wireless communications facility site.

4. All equipment shall be situated or sufficiently buffered to minimize interference with the quiet enjoyment, including adverse visual, noise and aesthetic impacts, of adjacent properties.

5. All equipment, antennas, poles, cables, hardware, and towers shall have a non-reflective finish and shall be painted or otherwise treated to minimize visual and aesthetic impacts.

6. Faux tree structures shall include appropriate antenna camouflaging elements, as well as three-dimensional bark cladding from the base to the top of the "trunk" and along all portions of each branch, and branch coverage shall be dense and natural, and no portion of any antennas shall protrude beyond the branches.

7. All wireless communications facilities shall provide sufficient security measures and anti-climbing measures in the design of the facility to reduce the potential for damage, theft, trespass, and injury.

8. All wireless communication facilities shall have battery or generator back-up for use in the time of an emergency when normal power sources are not available. The back-up power system shall be capable of running the facility for at least forty-eight hours. This requirement shall not apply to small wireless facilities.

9. All wireless communication facilities permit applications shall be subject to design review by the architectural and site control commission (ASCC) as provided for in Chapter 18.64 of this title. This requirement shall not apply to small wireless facilities.

B. Development Standards. The following development standards shall be met by all new wireless communications facilities, including those that are proposed as significant changes to an existing facility:

1. Height. Antenna and the support structure (tower, pole, etc.) may not exceed a height of fifty feet unless it is determined, based on technical review, that the additional height is necessary to fill the identified gap and/or the added height will allow for co-location of facilities for more than one carrier. Provided, however, that the added height shall only be permitted if aesthetic mitigations, as determined necessary, are included in the design and the approving body finds that the mitigations reduce impacts to acceptable levels.

2. Setbacks. The base of the tower or antenna support structure shall be at least fifty feet from any adjacent property boundary unless the approving body determines that a closer distance to a boundary would result in less overall aesthetic impacts. This requirement shall not apply to small wireless facilities located in the right of way or in a public utility easement.

3. Residential properties. In residential zoning districts, antenna and necessary equipment enclosures and support structures shall only be located on properties not residentially developed. Specifically, sites with other utility installations are preferred including sites with water tanks. Residentially zoned properties beyond those currently used only for utilities, e.g., water tanks, pump stations, etc., may be considered only if they are vacant.

4. Undergrounding districts. No new pole, however, shall be permitted in an area designated as a utility undergrounding district, unless applicant shows it is infeasible to locate outside the district. If such finding is made, all associated equipment to extent feasible be located underground.

5 Installation in Right of Way. Any facility in a public right-of-way shall be subject to encroachment permit requirements of the public works director.

6. Compliance with Laws. Any wireless communication facilities shall at all times comply with the most current applicable federal and state laws relative to electromagnetic radiation. If, after facility installation, the applicable provisions are modified to be more restrictive, the facility operator shall have one hundred twenty days from the effective date of the change to be in compliance with the more restrictive standards.

7. Aesthetic requirements. Wireless communication facilities shall be designed to blend into the environment of the site and the area surrounding the site to the maximum extent feasible. Specifically, the design, scale, form and colors of all aspects of the facility should ensure that the facility does not stand out from its surroundings or otherwise call visual attention to itself. If, for example, a faux tree is to be considered, the tree design and materials should be selected to ensure they integrate into the site and area in a visually unobtrusive manner. Further, additional landscaping shall be provided as necessary to ensure such integration.

a. Screening and Camouflage. All wireless communications facilities shall be designed, screened and/or camouflaged to the greatest extent possible in one or more of the following ways:

i. Substantially screened from the view of surrounding properties and the public view or co-located with existing facilities or structures so as not to create substantial visual, noise, or aesthetic impacts;

ii. Sited within areas with substantial screening by existing vegetation;

iii. Designed to appear as natural features found in the immediate area, such as trees, so as to be unnoticeable (camouflaged facilities); or

iv. Screened with additional trees and other native or adapted vegetation which shall be planted and maintained around the wireless communications facility, in the vicinity of the project site, and along access roads, where such vegetation is appropriate and deemed necessary to screen the facilities. Such landscaping, including irrigation, shall be installed and maintained by the permittee and property owner, as long as the permit is in effect.

b. Equipment Cabinets. Any equipment enclosure shall be designed to be architecturally compatible with existing structures on the site or found in the immediate area. Such equipment shelters shall be limited to the housing of radio, electronic, and related power equipment. Any fencing shall conform to the provisions of Chapter 18.43 of this title.

c. Colors. The color of all antennas, cabinets, equipment, and mounting brackets shall be approved by the Planning and Building Director.

d. Attachment. Antennas and all associated equipment shall be flush mounted on the pole unless such mounting impairs the operation of the facility in which case they should be mounted as close to the pole as possible.

e. Maximum Equipment Dimensions. No small wireless antenna shall exceed 4 feet from top of antenna to bottom of antenna or extend more than 3 feet from the surface of the pole. No above ground equipment enclosure shall exceed a total of 4 feet in height, 6 feet in width and 6 feet in length.

f. Wires and conduits. Wires and conduits shall be placed underground and run inside poles where feasible. Wires mounted to the outside of poles shall be covered.

8. Geologic map. Siting of any new personal wireless communication facility shall conform to the "utility" provisions of town's geologic map and land movement potential map policies as set forth in town council Resolution 2506-2010, or as it may be amended.

9. New facilities. New proposed facilities shall be designed and built, to the extent feasible, to facilitate co-location by providers that might reasonably be expected to desire to be located at the proposed site.

10. Underground conduit. All radio frequency data, telephone, fiber optics, and power lines to, from, and within a wireless communications facility, where feasible, shall be installed underground within conduits of size large enough to accommodate at least one additional provider.

11. Warning Signs. All camouflaged facilities including, but not limited to, "faux trees" that emit radio frequency emissions shall be posted with warning signs to the public as legally required by the FCC on and around antennas and equipment shelters, and at all access points to the property upon which such facility is located. Such signs shall be clearly defined on the conditional use permit application plans.

12. Third Party Review. Where the Planning and Building Director finds that proposed wireless communications facilities have the potential to create a significant interference with the quiet enjoyment of the surrounding area or neighborhood, including adverse visual, noise and aesthetic impacts, the Planning and Building Director may require an independent, third-party review, at the expense of the applicant, to identify such considerations as potential impacts on the surrounding area or neighborhood and to identify potential alternative solutions, and to identify any lesser intrusive means of providing coverage by the project applicant.

13. Noise Standards. All facilities shall be designed and operated to conform to the minimum noise standards contained in Chapter 9.10 (Noise Control) of the Portola Valley Municipal Code. Failure to comply with the town's adopted noise standard after written notice and opportunity to cure have been given shall be grounds for the town to conduct a revocation hearing regarding the permit granted pursuant to this section.

14. Compatibility with Public Infrastructure. Facilities shall not block, obstruct, impair or otherwise interfere with the use of public trails, rights of way, culverts, storm drains and other public infrastructure. Placement of facilities near

such infrastructure shall take into account such infrastructure's current and future use.

C. Standard Conditions of Approval. In addition to any other conditions the approving body deems necessary to preserve the public health, safety and welfare, all permits issued pursuant to this chapter shall be subject to the following conditions unless modified by the action of the approving authority:

1. The permittee shall obtain all other permits and agreements necessary to install and operate the wireless communications facilities in conformance with federal, state, and local laws, rules and regulations.

2. Wireless communications facilities and related equipment, including lighting, fences, shields, cabinets, and poles, shall be maintained in good condition and repair, free from trash, debris, litter and graffiti and other forms of vandalism, and any damage from any cause shall be repaired as soon as practicable, and in no instance more than seven (7) days from the time of notification by the town or after discovery by the permittee.

3. When no longer in service for a continuous period of ninety days, the facility shall be subject to discontinuance of use provisions and procedures set forth in Section 18.41.110B. of this chapter.

4. The permittee shall reimburse the town on demand for all costs incurred for work the applicant has failed to perform within thirty days upon notice that the work is required to comply with conditions of permit approval.

5. The town reserves the right of its employees and agents to inspect permitted facilities upon reasonable notice to the permittee during normal business hours. In case of an emergency or risk of imminent harm to persons or property in the vicinity of permitted facilities, the town reserves the right to enter upon the site of such facilities and to support, disable, or remove those elements of the facilities posing a public nuisance as necessary to preserve the public health or safety.

6. The permit issued hereunder shall expire within one year of the effective date of issuance if the applicant fails to commence construction within that period; provided, however the approving body may renew any such permit for up to a single one-year period if a request to renew is received by the town at least sixty calendar days before the approvals lapse.

7. Permits issued pursuant to this section shall expire at 12:00 p.m. local time ten years from the effective date of the permit issuance unless otherwise specified in the permit.

8. Any permit shall be reviewed at the Planning and Building Director's discretion, upon receipt of a written complaint, by the approving body for conformity with the conditions of the permit. The permittee or any future owner of the facilities shall be responsible for any town costs associated with the periodic review of the permit or any other town reviews required by permit conditions.

9. The permittee or any future owner may request an extension of the ten-year life (or five-year life for permits in undergrounding districts) of the permit if the request is made at least six months before the expiration date. The planning

commission shall consider the request at a duly noticed public hearing and shall consider changes in technology that would permit alternative means of providing comparable wireless services with less aesthetic impacts. The commission may require replacement of facilities, if less intrusive service alternatives are available, as a condition of extending the life of the use permit. The commission also may require other permit extension conditions it finds necessary to ensure consistency with the intent and objectives of this chapter.

10. If the wireless facilities or property on which the facilities are located, are transferred to another owner, the town shall be notified as soon as possible after the transfer has been recorded.

11. Prior to issuance of a building permit for any wireless facilities or a minor wireless permit for a small wireless facility, the permittee and property owner (if a separate entity) shall enter into an agreement with the town guaranteeing maintenance of the site and facilities, including required landscaping, and removal of the facilities if they are no longer used. This agreement shall be to the satisfaction of the town attorney and shall be binding on all future owners of the property and wireless facilities. Further, the agreement shall provide for removal of the facilities at the end of the use permit life unless the permit has been extended by the approval body as provided for herein. Bonds or other sureties shall be provided to cover the guarantees to the satisfaction of town staff.

12. The landscape maintenance agreement shall specifically provide for timely replacement of any screen planting that has not survived and addition of new landscaping if installed materials are not achieving the screening anticipated with permit approval.

13. Within forty-five days of the installation of the wireless facilities and thereafter on an annual basis, the permittee shall furnish data to the satisfaction of Planning and Building Director verifying compliance with town noise ordinance standards and all FCC requirements including radio frequency emission standards. The carrier shall submit upon site commissioning, or completion of any approved site modification affecting the radio frequency system, a radio frequency radiation emission test report based on field measurements taken at the site and the immediate surroundings, to demonstrate compliance with FCC standards. Such radio frequency radiation emission test reports shall also be submitted periodically after town acceptance of the initial report pursuant to any schedule as may be provided for in the specific provisions of the use permit.

14. In the event radio frequency emissions tests required by the permit indicate non-compliance with FCC adopted standards, the carrier shall immediately inform the town of the non-compliance and the steps needed to bring the facilities into compliance. The carrier shall commence corrective action as soon as town approval has been received and shall notify the town when compliance has been achieved. Unless compliance is achieved within sixty days of town approval, the town may take steps to revoke or modify the conditions of this permit.

15. The permittee or any future owner of a tower facility shall allow for co-location of up to two additional wireless carriers on the facility, if so required by

the planning commission based on the specific site conditions and application analyses.

16. As new technology becomes available, the permittee shall upgrade the facility as feasible to minimize impacts upon the community, including aesthetic impacts. If the facility is not upgraded, as feasible, within a reasonable amount of time, the town may take steps to revoke or modify the conditional use permit. At the time of each required two-year review, the applicant shall provide a report to the planning commission on the state-of-the art as to wireless service and less intrusive technology that is available. If the information demonstrates that less intrusive technology is readily available or becoming available, and feasible to employ at the site, the report shall set forth a time frame for site conversion. The framework for determining feasibility of conversion shall be as determined by the town attorney.

17. The permit holder shall notify the town in writing of any work to be completed at the facility at least two weeks prior to the start of work. The written notification shall include the intended start and finish dates of the work, a description of the type of work, and contact information for a person who can provide additional information or answer questions. The carrier shall not make any system modifications that may affect the radio frequency radiation emissions without prior approval from the town. The permittee shall submit a radio frequency emissions study reflecting any proposed changes to the site and consider the radio frequency emissions of all co-located entities. Work needed to bring the facility into compliance with FCC standards for radio frequency emissions shall not require a two-week notification period but shall commence as soon as the town has approved the work.

18. The permittee shall defend, indemnify and hold harmless the town, its agents and officers and employees from any claim, action, or proceeding related to the town's approval of this use permit.

19. Within 10 days of permit issuance, permittee shall deliver to Town an insurance certificate for general commercial liability that names the Town of Portola Valley as an additional insured in an amount of at least \$1,000,000 in coverage per occurrence per installation in the public right of way. Permittee shall annually renew this coverage and ensure the Town is listed as an additional insured.

D. Additional Administrative Regulations. The Planning and Building Director and/or the Public Works Director shall have the authority to adopt additional regulations implementing this Chapter. Any such regulations shall be published on the Town's website and publicly available upon request.

#### **18.41.090 Operation and maintenance standards.**

All wireless communications facilities shall at all times comply with the operation and maintenance standards provided for in and unique conditions of use permit approval and the Basic Standards, Development Standards and Standard Conditions of Approval set forth in Sections 18.41.080A., B., and C. of this chapter. Failure to comply shall be considered a violation of conditions of approval subject to

enforcement pursuant to provisions of this title, revocation or modification pursuant to Chapter 18.72 of this title, or any other applicable provision of law. Further, subject to these same enforcement provisions, all wireless communications facilities shall at all times comply with the following standards:

A. Any physical modification of an existing facility permitted pursuant to the provisions of this chapter, shall require the applicant to apply for a conditional use permit or small wireless permit amendment for such modification unless the Planning and Building Director determines that the modification is minor and in substantial compliance with the general framework of the approved permit. If the Planning and Building Director determines that the proposed modification is minor, and that an amendment to the use permit is not required, the Planning and Building Director may, nonetheless, require additional landscaping or other stipulations in line with the scope of the modifications to ensure the facilities continue to be used consistent with provisions of the approved use permit.

B. Each owner or operator of a wireless communications facility shall provide signage identifying the name, site number or other unique identifier, and local or toll-free phone number of a party to contact at any time regarding the facility. Such signage shall be placed at a location where it can be readily viewed without entering any fenced or secured area of the facility and shall be subject to review and approval by the ASCC.

C. Except for emergency repairs, testing and maintenance activities that will be audible beyond the property line shall only occur between the hours of 8:00 a.m. and 5:30 p.m. on Monday through Friday, excluding legal holidays. Backup power generators shall only be operated during periods of power outages or for testing. At no time shall equipment noise from any source exceed the standards specified in Chapter 9.10 (Noise Control) of the Portola Valley Municipal Code.

#### **18.41.100 Certification of facilities.**

A. Every wireless communications facility shall at any and all times comply with the FCC's Office of Engineering and Technology Bulletin 65, and all other FCC rules. In order to ensure continuing compliance with the conditions of permit approval, all wireless communications facilities shall be reviewed by a town approved radio frequency expert in accord with the schedule and procedures set forth below. All costs of such inspections and expert review shall be borne by the permittee. The permittee shall provide a deposit for such reviews and promptly reimburse the town for the cost of such expert inspection and review that exceeds the deposit amount. The town may require, at the permittee's expense, independent verification of the results of any analysis. If a permittee fails to supply the required reports or fails to correct a violation of any condition of permit approval following notification, the conditional use permit is subject to modification or revocation by the planning commission pursuant to Section 18.72.240 of this title.

1. Within forty-five days of initial operation, and all modifications thereafter, of a wireless communications facility, the permittee shall submit written



certification of compliance with the approved application, any applicable FCC radio-frequency requirements, and all conditions of permit approval to the Planning and Building Director.

2. For every wireless communication facility site authorized by a conditional use permit or minor wireless permit, once each year the town may retain, at the permittees expense, a town approved radio frequency expert to conduct an unannounced radio frequency emissions evaluation of the wireless communications facility's compliance with the approved application, any required radio frequency emissions conditions and all conditions of permit approval.

3. The town may reasonably require inspection of a tower (including all facilities attached to the tower) by a licensed structural engineer following significant storms, seismic events, or other events, which may jeopardize the structural integrity of the towers (or the facilities attached to the towers). Such inspections shall be at the applicant's cost, and the engineer's written report, with original signature, shall be provided to the town within the time specified by the Planning and Building Director.

4. If the Planning and Building Director at any time finds that there is good cause to believe that a wireless communications facility is not in compliance with applicable FCC radio-frequency standards, the Planning and Building Director may require the provider to submit written certification that the facility is in compliance with such FCC standards, supported by technically adequate documentation.

B. The provider of any wireless communications facility that was approved by the town before the effective date of this chapter, shall submit within six months from the date of notification, to the Planning and Building Director, written certification that the facility is in compliance with the approved application, any required conditions of permit approval and applicable FCC radio-frequency requirements, to be reviewed by the town's approved radio frequency expert. Permittee shall promptly reimburse the town for the cost of such expert review. If the facility does not comply with the conditions of permit approval or applicable FCC requirements, the provider shall cease operation of the facility until the facility is brought into compliance. In order to assure the objectivity of the analysis, the town may require, at the applicant's expense, independent verification of the results of the analysis.

C. Any wireless communications facility that was approved by the town prior to the effective date of this section, and continues to operate within the conditions of the approved permit, and which does not comply with this section on the date of its adoption shall be considered a lawful non-conforming use provided that the provider of such facility submits the information required in subsection B. of this section. Upon application for any permit extension or modification, however, the lawful non-conforming use shall be subject to the provisions of this chapter.

D. Failure to submit the information required in this section will be considered a violation of the zoning ordinance. Any facility found in violation is subject to revocation or modification pursuant to Chapter 18.72 of this title.

E. Radio frequency emissions evaluations filed by wireless service providers shall be retained by the town and shall be available to the public upon request.

**18.41.110 Duration, revocation and discontinuance.**

A. Duration of Permits and Approvals.

1. Actual construction of a wireless communications facility pursuant to an approved conditional use permit or minor wireless permit must be initiated within one year from the date of final approval. If actual construction has not begun within one year from the date of final approval, the permit shall be deemed expired, and all rights granted pursuant to the permit shall be revoked; provided, however the approving body may renew any such permit for up to a single one-year period if a request to renew is received by the town at least sixty calendar days before the approvals lapse.

2. An approved wireless communications facility must be fully constructed and activated within one year from the date of final approval. If not fully constructed and activated within two years from the date of final approval, the permit shall be deemed expired, and all rights granted pursuant to the permit shall be revoked.

3. In the event that the Planning and Building Director finds that the applicant has not maintained the facility in compliance with all applicable federal, state or Portola Valley Municipal Code requirements and conditions of approval, the Planning and Building Director may recommend that the planning commission initiate a revocation procedure as provided by Section 18.72.240 of this title.

4. Costs associated with the process of monitoring compliance, reevaluation of a conditional use permit or minor wireless permit, and extension, revocation or modification of approval shall be borne by the permittee.

B. Discontinuance of Use. All equipment and improvements associated with a wireless communications facility shall be removed within ninety days of the discontinuation of the use and the site shall be restored to its original, preconstruction condition, or as approved by the Planning and Building Director upon review and recommendation of the ASCC. Written verification of the removal of wireless communications facilities on private property shall be provided to the Planning and Building Director within ninety days of the discontinuation of the use.

1. If the provider fails to remove the wireless communications facilities from the site as required herein, the property owner shall be responsible for removal. If such facilities are not removed, the site shall be deemed to be a public nuisance and the town may take such action as it deems appropriate to abate the public nuisance in accordance with provisions of this code and any other applicable provision of law.

2. Failure to inform the Planning and Building Director of cessation of operations of any existing facility shall constitute a violation of the zoning ordinance and be grounds for:

- a. Civil prosecution;
- b. Revocation or modification of the permit pursuant to Section 18.72.240 of this title; and/or
- c. Removal of the facilities by the town at the property owner's expense, which may result in a lien on the property.

C. Existing Uses. All equipment and improvements associated with a wireless communications facility permitted as of the date of passage of this chapter that are consistent with the provisions of the conditional use permit for such facility, shall be allowed to continue as they presently exist, but will be considered legal nonconforming uses insofar as they do not comply with standards stated in this section. Maintenance of the facilities consistent with the provisions of the conditional use permit shall be permitted. However, any extension of a conditional use permit life and all alterations or new construction, other than routine and/or required maintenance on existing towers, antennas, buildings, or other facilities shall comply with the requirements of this chapter.

2. ENVIRONMENTAL REVIEW. This ordinance is exempt for the provisions of the California Environmental Quality Act pursuant to CEQA Guideline Section 15061, 15301, 15302 and 15305 in that it simply establishes a comprehensive permitting scheme.

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

4. EFFECTIVE DATE; POSTING. This ordinance shall be posted within the Town of Portola Valley in three (3) public places and shall become effective immediately under Government Code Section 36937(b).

INTRODUCED:

PASSED:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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

ATTEST

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

APPROVED AS TO FORM:

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

## DRAFT

## Small Wireless Facilities Administrative Regulations

Issued January 10, 2019

The following standards are established by the Planning & Building Director per PVMC Section 18.41.080 (D). The Planning & Building Director may establish, publish, and revise from time to time, specific regulations that implement PVMC Chapter 18.41.

The following standards shall apply to Small Wireless Facilities on public utility poles:

## 1. Transmission Antenna Design

- a. A single radome antenna centered at the top of the pole is preferred to multiple panel antennas on separate arms or to circular side-mounted antennas.
- b. The diameter of the top-mounted antenna or antenna enclosure should not exceed the diameter of the top of the support pole, and to the maximum extent practical, should appear as a seamless vertical extension of the pole. Top-mounted radome antennas shall have a shroud (skirting) at the base of the antenna to hide the bracket and cables and provide a smooth transition to the pole.
- c. Panel antennas on separate arms shall only be allowed if the design is required to meet operational specifications. The applicant shall demonstrate that a top-mounted antenna is not feasible at the proposed location. Panel antennas shall be flush mounted to the support pole. Flush mounted shall mean the minimum offset between the pole and antenna to structurally attached the antenna and to achieve the antenna angle necessary to meet operational requirements. The offset is expected to be 6 inches or less at the closest point between the panel antenna and support pole.
- d. Circular side-mounted antennas shall only be allowed if the design is required to meet operational specifications. The applicant shall demonstrate that a top-mounted antenna is not feasible at the proposed location.
- e. Circular side mounted antennas shall be mounted in a shrouded arm which covers the mounting brackets and cables. The distance from the support pole shall be the minimum distance to meet operational requirements.

## 2. Equipment Design

- a. Undergrounding of equipment is strongly preferred and required in utility undergrounding districts.
- b. Pole-mounted equipment shall be flush mounted to the support pole. Flush mounted shall mean a maximum 4 inch offset between the pole and the equipment
- c. Pole-mounted equipment shall be designed with a vertical orientation to reduce visual impacts. The maximum width and depth of the equipment is expected to be approximately the same width (diameter) as the support pole.
- d. Ground-mounted equipment cabinets may be used in locations where they reduce the overall visual impact of the facility. Specifically, they may be used where they can be screened sufficiently to be less visible than pole-mounted equipment, as determined by the Planning & Building Director. Screening

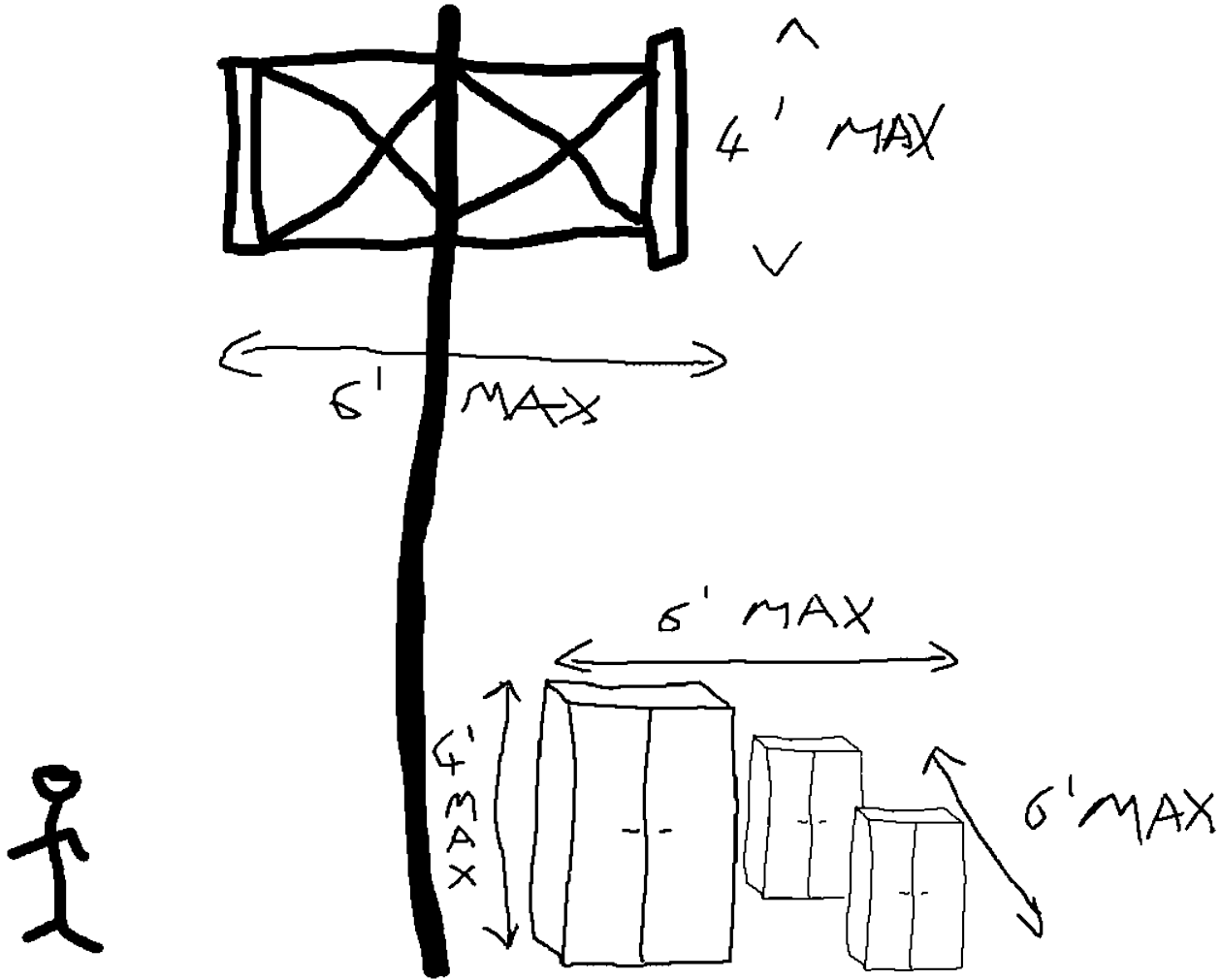
## DRAFT

typically includes native plantings consistent with the Town's Design Guidelines, but may also include other structures if appropriate to the site. If utilized, ground mounted equipment must be placed in a location that does not obstruct pedestrian or vehicular traffic associated with roads or trails.

- e. Wireless facility designers shall use PG&E Smart Meters or flat-rate billing with no electric meter, if available.
  - f. If electric meters are proposed to be wider than the width (diameter) of the pole, the applicant shall provide documentation that the size is required. In no case shall the electric meter be allowed to be more than two times the width (diameter) of the support pole.
  - g. Conduit/cables shall be flush mounted to the pole and covered.
  - h. GPS Antennas shall be built into transmission antennas or flush mounted to transmission antennas. GPS antenna height shall be limited to height of the transmission antenna.
3. Additional Requirements
- a. All equipment, including but not limited to antennas, cabinets, equipment, and mounting brackets shall be painted to match the existing pole with a non-reflective color to be approved by the Planning & Building Director. In cases where ground-mounted equipment is approved, the equipment shall be painted to match the surrounding environment.
  - b. The only stickers or signage allowed shall be those required by governmental agency. RF notification signs shall be placed where appropriate, and not at pedestrian eye level, unless required by the FCC or other regulatory agencies. The background color of the RF sticker shall match the color of the pole unless prohibited by law.
  - c. No logos or brand names are allowed on any poles or equipment. No non-essential graphics or lettering are allowed.
  - d. No lighting/illumination is allowed unless required by governmental agency. Any internal lights associated with electronic equipment shall be shielded from public view.
  - e. Noise from fans and other noise generating equipment shall be considered "tonal sound" and noise levels shall be lowered by 5 dBA per PVMC 9.10.030. If the facility does not generate noise, this information shall be included in the submittal.
  - f. The small wireless facility must meet all appropriate structural standards and wind loading specifications.
  - g. Installation and maintenance of the wireless facility shall not interfere with or cause damage to any trees or significant landscape planting. As determined by the Planning & Building Director, the applicant shall demonstrate that no damage will occur to landscaping. Reports and recommendations by an arborist may be required to ensure compliance.

Attachment 3

Diagram of Equipment Dimensions



Note: Drawing not to scale



# TOWN OF PORTOLA VALLEY STAFF REPORT

**TO:** Mayor and Members of the Town Council  
**FROM:** Jeremy Dennis, Town Manager  
**DATE:** January 9, 2019  
**RE:** Purchasing Policy Council Subcommittee

## **RECOMMENDATION**

Staff recommends that the Council form a subcommittee to work with staff as the Town's Purchasing Policy and associated items are updated.

## **BACKGROUND/DISCUSSION**

Staff has begun review of the Town's Purchasing Policy and other affiliated procedures based on state law changes, input from new staff, and a desire to simplify and modernize. Internal conversations have reached a point where input from the Council is required.

Items expected to be discussed at the subcommittee include:

- Purchasing Policy
- Warrant List
- Capital Assets Policy
- Relationship to other existing Town Policies

The reason for the inclusion of other seemingly-unrelated items stems from staff's recognition that changes to the Purchasing Policy will have effects on other policies/procedures.

**Approved by:** Jeremy Dennis, Town Manager

A handwritten signature in black ink, appearing to read 'Jeremy Dennis', is placed to the right of the 'Approved by' text.



#7

There are no written materials for Formation of Subcommittee for  
Committee Support

#8

There are no written materials for Council Liaison Committee and Regional Agencies Reports

#9

There are no written materials for Town Manager Report

## **TOWN COUNCIL WEEKLY DIGEST**

**Thursday – December 13, 2018**

---

1. Agenda (Action) – Town Council – Wednesday, December 12, 2018
2. Agenda - Sustainability Commission – Monday, December 17, 2018
3. Agenda – Trails & Paths Committee – Tuesday, December 18, 2018
4. Agenda – Planning Commission – Wednesday, December 19, 2018
5. Notice - Town Hall Holiday Closure – Monday, December 24, 2018 – Tuesday, January 1, 2019
6. Reorganization Notices from Cities – Atherton, Belmont, Brisbane, Foster City, Hillsborough, Millbrae, San Carlos, San Mateo, and Redwood City

### **Attached Separates (Council Only)**

*(placed in your town hall mailbox)*

1. LABOR Newsletter – December 2018



# TOWN OF PORTOLA VALLEY

7:00 PM – Regular Meeting of the Town Council  
Wednesday, December 12, 2018  
Historic Schoolhouse  
765 Portola Road, Portola Valley, CA 94028

## ACTION AGENDA

### **7:00 PM - CALL TO ORDER AND ROLL CALL**

Councilmember Hughes, Councilmember Derwin, Councilmember Aalfs, Vice Mayor Wengert and Mayor Richards

*All Present*

### **ORAL COMMUNICATIONS**

Persons wishing to address the Town Council on any subject may do so now. Please note however, that the Council is not able to undertake extended discussion or action tonight on items not on the agenda.

1. **PRESENTATION** – Certificate of Recognition presented to Cameron Jones for Outstanding Accomplishments in Science and Engineering

*Mayor Richards congratulated Cameron on his achievements and presented him with a certificate of recognition*

2. **PRESENTATION** – Backyard Habitat Award by the Conservation Committee

*Conservation Committee member Marge DeStaebler presented an award to Delle Maxwell, Nona Chiariello presented an award to Erika Walden and Paul Heiple presented an award to Marge DeStaebler*

3. **REORGANIZATION OF THE TOWN COUNCIL**
  - (a) Election of Mayor
  - (b) Election of Vice Mayor

*Councilmembers Derwin, Hughes and Richards took the Oath of Office*

**Mayor Elect – Ann Wengert**  
**Vice Mayor Elect – Jeff Aalfs**

### **CONSENT AGENDA**

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

4. **Approval of Minutes** – November 28, 2018

*Approved as Amended 5-0*

5. **Approval of Warrant List** – December 12, 2018

*Approved 5-0*

### **REGULAR AGENDA**

#### **STAFF REPORTS AND RECOMMENDATIONS**

6. **Recommendation by Town Attorney** – Update of Designated Positions and Disclosure Obligations in the Town's Conflict of Interest Code
  - (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Designating Public Officials and Employees and their Disclosure Categories for the Town's Conflict of Interest Code (Resolution No. 2792-2018)

*Approved as Amended 5-0*

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

**Councilmember Richards** -  
*Attended the December 5 Planning Commission meeting.*

**Councilmember Hughes** -  
*Attended the December 6 Bicycle, Pedestrian & Traffic Safety Committee Community meeting on Pedestrian & Traffic Safety.*

**Councilmember Derwin** –  
*Attended a C/CAG San Mateo Countywide Water Coordination Committee meeting, the December 5 Planning Commission meeting, a HEART Board meeting, and will attend a C/CAG Board meeting on December 13.*

**Vice Mayor Aalfs** -  
*Attended a Peninsula Clean Energy meeting.*

**Mayor Wengert** -  
*Attended an SFO Airport Community Roundtable meeting, an Ad-Hoc Housing on Town-Owned Property Committee meeting and the December 10 ASCC meeting.*

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

#### **8. TOWN MANAGER REPORT**

*Attended the December 6 Bicycle, Pedestrian & Traffic Safety Committee meeting, and the December 6 Ad-Hoc Housing on Town-Owned Property Committee meeting. The scheduled Town Center Master Plan Update Committee meeting was canceled due to lack of a quorum. He will meet with Lt. Christina Corpus and a Sargent regarding parking issues.*

#### **WRITTEN COMMUNICATIONS**

9. **Town Council Digest** – November 29, 2018 - **None**

10. **Town Council Digest** – December 6, 2018 - **None**

#### **ADJOURN TO CLOSED SESSION: 8:35 pm**

##### **11. CONFERENCE WITH LABOR NEGOTIATORS**

**Pursuant to Government Code §54957.6**

**Agency designated representatives: (Town Council, Town Attorney)**

**Unrepresented employee: Town Manager**

#### **REPORT OUT OF CLOSED SESSION: No Reportable Action**

#### **ADJOURNMENT: 9:00 pm**

#### **ASSISTANCE FOR PEOPLE WITH DISABILITIES**

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

#### **AVAILABILITY OF INFORMATION**

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

#### **SUBMITTAL OF AGENDA ITEMS**

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

#### **PUBLIC HEARINGS**

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



**TOWN OF PORTOLA VALLEY**  
**Sustainability Committee Meeting**  
**Monday, December 17, 2018 10:30AM to 12:30 PM**  
**Town Hall – Conference Room**  
**765 Portola Road, Portola Valley, CA 94028**

---

**MEETING AGENDA**

- 1. Call To Order**
- 2. Oral Communications**
- 3. Approval of Minutes**
- 4. Discussion with Town Manager – Leaf Blowers**
- 5. Old Business:**
  - a. Updates from Maryann**
  - b. Updates from Brandi**
- 6. New Business:**
  - a. Committee Member Reappointments for 2019**
  - b. Discuss Plan for 2019**
- 7. Set Date and Topics for Next Meeting**
  - a. Review Meeting Schedule for 2019**
- 8. Announcements**
- 9. Adjournment**



**TOWN OF PORTOLA VALLEY**  
**Trails and Paths Committee**  
**Tuesday, December 18, 2018 8:15 AM**  
**Historic Schoolhouse at Town Center**  
**765 Portola Road, Portola Valley, CA**

---

**MEETING AGENDA**

- 1. Call to Order**
- 2. Oral Communications**
- 3. Approval of Minutes – October 16, 2018** *(November’s meeting was canceled)*
- 4. Old Business**
  - a. **Monthly (November and December) Trail Conditions, Work, and Budget Update:** (Discussion)
  - b. **November 2018 Community Hike Debrief (2018):** (Discussion)
  - c. **Trail Head / Parking Signage and Maps and Trail Signage (Willowbrook / Alpine and Coalmine Ridge):** (Discussion)
- 5. New Business**
  - d. **Committee (Re)Appointments for 2019:** (Discussion)
  - e. **Site Development Plans:** (Discussion, as filed and applicable)
  - f. **Seasonal Trail Closures:** (Discussion)
  - g. **Trail Conditions Audit / Council Priority:** (Discussion)
  - h. **Accolades:** (Discussion, if any applicable)
- 6. Other Business**
- 7. Adjournment**

**Enclosures:**

Minutes from October 16, 2018  
Community Correspondence – December 10, 2018  
Trail Work Map & Memo – November / December 2018  
Financial Review – November / December 2018





# TOWN OF PORTOLA VALLEY

7:00 PM – Regular Meeting of the Planning Commission  
 Wednesday, December 19, 2018  
 Historic Schoolhouse  
 765 Portola Road, Portola Valley, CA 94028

## REGULAR MEETING AGENDA

### 7:00 PM - CALL TO ORDER AND ROLL CALL

Commissioners Hasko, Kopf-Sill, Taylor, Vice-Chair Goulden, Chair Targ

### ORAL COMMUNICATIONS

Persons wishing to address the Planning Commission on any subject may do so now. Please note, however, that the Planning Commission is not able to undertake extended discussion or action tonight on items not on the agenda.

### OLD BUSINESS

1. Continued Review of Proposed Regulations for Accessory Dwelling Units (ADUs) (Staff: A. Cassidy)

### COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

2. Commission Reports
3. Staff Reports
4. News Digest: Planning Issues of the Day

### APPROVAL OF MINUTES

5. Planning Commission Meeting of December 5, 2018

### ADJOURNMENT

### ASSISTANCE FOR PEOPLE WITH DISABILITIES

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

### AVAILABILITY OF INFORMATION

Any writing or documents provided to a majority of the Town Council or Commissions regarding any item on this agenda will be made available for public inspection at Town Hall located 765 Portola Road, Portola Valley, CA during normal business hours. Copies of all agenda reports and supporting data are available for viewing and inspection at Town Hall and at the Portola Valley Library located adjacent to Town Hall.

### PUBLIC HEARINGS

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



*In recognition of the Holiday Season*

**PORTOLA VALLEY  
TOWN HALL  
WILL BE CLOSED**

*Monday, December 24th, 2018  
through  
Tuesday, January 1st, 2019*

*Town Hall will reopen on  
Wednesday, January 2nd, 2019*

*In Case of Emergency: Sheriff's Office: 911*



**Town of Atherton**  
Office of the City Clerk

91 Ashfield Road  
Atherton, California 94027  
Phone: (650) 752-0529  
Fax: (650) 614-1212

---

**TOWN OF ATHERTON**  
**CITY COUNCIL NOTICE OF REORGANIZATION**

**NOTICE IS HEREBY GIVEN** that at a regular meeting of the City Council held on December 6, 2018, the Atherton City Council reorganized as follows:

Bill Widmer, Mayor

Rick DeGolia, Vice Mayor

Cary Wiest, Council Member

Elizabeth Lewis, Council Member

Michael Lempres, Council Member

City Council meetings are held on the third Wednesday of each month at 7:00 p.m. in the City Council Chamber located at 94 Ashfield Road, Atherton, California, 94027. Special meetings are held on the first Wednesday of the month at 4:00 p.m. **Please be reminded that City Council meetings are videotaped and uploaded to Atherton's YouTube channel at <http://www.youtube.com/townofatherton>**

DATED: 10<sup>th</sup> day of December, 2018

Theresa N. DellaSanta  
City Clerk

**CITY OF BELMONT  
NOTICE OF CITY COUNCIL  
REORGANIZATION**

**NOTICE IS HEREBY GIVEN** at a Regular Meeting of the City Council on December 11, 2018, the Belmont City Council selected a new Mayor and Vice Mayor for 2019, as follows:

**Davina Hurt, Mayor**

Council Term ends November 2020

**Warren Lieberman, Vice Mayor**

Council Term Ends November 2022

**Julia Mates, Councilmember**

Council Term Ends November 2022

**Charles Stone, Councilmember**

Council Term Ends 2022

**Doug Kim, Councilmember**

Council Term Ends November 2020

City Council meetings are held on the second and fourth Tuesday of each month at 7:00 p.m. in the City Council Chamber located at One Twin Pines Lane 2<sup>nd</sup> floor. City Council meetings are livestreamed on [www.belmont.gov](http://www.belmont.gov), videotaped and uploaded to the City's webpage: <https://www.belmont.gov/city-hall/city-government/city-meetings>

Terri Cook, CMC  
Belmont City Clerk

DATED: 12th day of December 2018



## NOTICE OF CITY COUNCIL REORGANIZATION

On December 6, 2018, the City Council of the City of Brisbane, California reorganized as follows:

**Mayor Madison Davis**

Mayor term expires December 2019 &  
Council term expires December 2019;  
[madisondavis@brisbaneca.org](mailto:madisondavis@brisbaneca.org)

**Councilmember W. Clarke Conway**

Council term expires December 2020  
[cconway@brisbaneca.org](mailto:cconway@brisbaneca.org)

**Councilmember Karen Cunningham**

Council term expires December 2020  
[kcunningham@brisbaneca.org](mailto:kcunningham@brisbaneca.org)

**Councilmember Clifford R. Lentz**

Council term expires December 2020  
[cliffrentz@brisbaneca.org](mailto:cliffrentz@brisbaneca.org)

**Mayor Pro Tem Terry A. O'Connell**

Mayor Pro Tem term expires December 2019 &  
Council term expires December 2019  
[terryoconnell@brisbaneca.org](mailto:terryoconnell@brisbaneca.org)

Dated this 7<sup>th</sup> day of December, 2018

**Ingrid Padilla**

City Clerk

City of Brisbane

50 Park Place, Brisbane, CA 94005

[ipadilla@brisbaneca.org](mailto:ipadilla@brisbaneca.org)

(415) 508-2113

# NOTICE OF *City Council Reorganization*

---

ON DECEMBER 10, 2018, THE CITY COUNCIL OF FOSTER CITY,  
CALIFORNIA REORGANIZED AS FOLLOWS:

**MAYOR  
SAM HINDI**

COUNCIL TERM EXPIRES  
DECEMBER 2020  
shindi@fostercity.org

**VICE MAYOR  
HERB PEREZ**

COUNCIL TERM EXPIRES  
DECEMBER 2020  
hperez@fostercity.org

**COUNCILMEMBER  
RICHA AWASTHI**

COUNCIL TERM EXPIRES  
DECEMBER 2022  
rawasthi@fostercity.org

**COUNCILMEMBER  
SANJAY GEHANI**

COUNCIL TERM EXPIRES  
DECEMBER 2022  
sgehani@fostercity.org

**COUNCILMEMBER  
CATHERINE MAHANPOUR**

COUNCIL TERM EXPIRES  
DECEMBER 2020  
cmahanpour@fostercity.org

PRISCILLA TAM, CMC  
*Communications Director/City Clerk*



**DISTRIBUTION:**

San Mateo County Cities  
Board of Supervisors  
Local Legislators

Regional Agencies  
Homeowners Association  
School District

League of California Cities  
Newspapers  
Foster City Chamber of Commerce



# TOWN OF HILLSBOROUGH

1600 Floribunda Avenue • Hillsborough, CA 94010

## Notice of City Council Reorganization

December 11, 2018

On December 10, 2018, the City Council of the Town of Hillsborough reorganized as follows:

		<u>Term Ends</u>
Mayor*	Shawn M. Christianson	December 2020
Vice Mayor*	Alvin L. Royse	December 2020
Councilmember	Jess E. Benton	December 2020
Councilmember	Marie Chuang	December 2022
Councilmember	Laurence M. May	December 2022

\* Mayor and Vice Mayor serve a one-year term

Miyuki Yokoyama  
City Clerk



**NOTICE OF REORGANIZATION  
MILLBRAE CITY COUNCIL**

**December 12, 2018**

At the December 11, 2018 City Council meeting, the Millbrae City Council reorganized as follows:

<u><b>NAME</b></u>	<u><b>TERM ENDS:</b></u>
Mayor Wayne J. Lee (Mayor term ends 12/10/2019)	November 2020
Vice Mayor Reuben D. Holober	November 2022
Council Member Anne Oliva	November 2022
Council Member Ann Schneider	November 2020
Council Member Gina Papan	November 2020

Elena Suazo  
City Clerk

cc: San Mateo County Cities  
San Mateo County Board of Supervisors  
City Selection Committee  
Legislators  
Regional Agencies  
League of California Cities  
Millbrae School District  
Millbrae Chamber of Commerce  
Press Release





## NOTICE OF CITY COUNCIL REORGANIZATION

December 10, 2018

At the December 10 City Council meeting, the City Council of Redwood City reorganized as follows:

**NAME:**

**TERM ENDS:**

**Mayor Ian Bain**

(Mayoral term ends November 2019)

**November 2020**

**Vice Mayor Diane Howard**

**November 2022**

**Council Member Alicia Aguirre**

**November 2020**

**Council Member Janet Borgens**

**November 2020**

**Council Member Giselle Hale**

**November 2022**

**Council Member Shelly Masur**

**November 2020**

**Council Member Diana Reddy**

**November 2022**

Pamela Aguilar, CMC  
City Clerk

C: San Mateo County Cities  
San Mateo County Board of Supervisors  
Regional Elected Officials  
Redwood City School District  
City Departments - City of Redwood

Enclosure: Council photo



Redwood City Council



Caption (left to right): Reddy, Borgens, Howard, Bain, Aguirre, Masur, Hale

CITY OF SAN CARLOS  
CITY CLERK



600 ELM STREET  
SAN CARLOS, CA 94070  
(650) 802-4219  
CITYOFSANCARLOS.ORG

## **Notice of Reorganization of City Council**

Notice is hereby given that at its Regular Meeting held on the 10<sup>th</sup> day of December, 2018, the City Council of the City of San Carlos reorganized as follows:

### **Mark Olbert, Chair\***

(Elected Term Expires November 2020)

### **Ron Collins, Vice Mayor**

(Elected Term Expires November 2020)

### **Sara McDowell, Council Member**

(Elected Term Expires November 2022)

### **Laura Parmer-Lohan, Council Member**

(Elected Term Expires November 2022)

### **Adam Rak, Council Member**

(Elected Term Expires November 2022)

\*Mark Olbert was appointed as the Mayor for 2019, however, he is requested that he be referred to as the Chair of the Council.



## Notice of San Mateo City Council Reorganization December 3, 2018

Mayor Diane Papan	Mayoral term ends December 2, 2019 Council first term expires December 7, 2020 dpapan@cityofsanmateo.org
Deputy Mayor Maureen Freschet	Council second term expires December 7, 2020 mfreschet@cityofsanmateo.org
Council Member Joe Goethals	Council second term expires December 5, 2022 jgoethals@cityofsanmateo.org
Council Member Eric Rodriguez	Council first term expires December 5, 2022 erodriguez@cityofsanmateo.org
Council Member Rick Bonilla	Council first full term expires December 5, 2022 rbonilla@cityofsanmateo.org

*/s/ Patrice M. Olds, MMC  
City Clerk*

Distribution: San Mateo Cities and County; Media; Legislators

## **TOWN COUNCIL WEEKLY DIGEST**

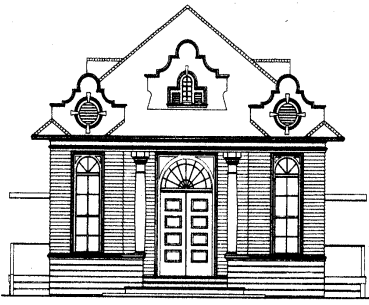
**Thursday – December 20, 2018**

---

1. Agenda (Canceled) – Architectural & Site Control Commission – Monday, December 24, 2018
2. Agenda (Canceled) – Conservation Committee – Tuesday, December 25, 2018
3. Agenda (Canceled) – Bicycle, Pedestrian & Traffic Safety Committee – Wednesday, January 2, 2019
4. Agenda (Canceled) – Planning Commission – Wednesday, January 2, 2019
5. Notice of Portola Valley Town Council Reorganization – December 12, 2018
6. Email from Former Councilmember Ted Driscoll regarding Move in January
7. Email from Assistant Clerk of the San Mateo County Board of Supervisors – 2019 Council of Cities Meeting Dates and Vacancies for January 2019 City Selection Committee Meeting
8. Notice of Reorganization for Sequoia Union High School District Board of Trustees
9. Notice of Woodside Town Council Reorganization – December 11, 2018
10. Recruitment letter from C/CAG regarding vacancies for elected officials

**Attached Separates (Council Only)**  
*(placed in your town hall mailbox)*

1. San Francisco Estuary Newsletter – December 2018, Vol. 27 No. 4



**TOWN OF PORTOLA VALLEY**  
**7:00 PM – Regular Meeting of the Architectural and Site Control**  
**Commission (ASCC)**  
**Monday, December 24, 2018**  
**Historic Schoolhouse**  
**765 Portola Road, Portola Valley, CA 94028**

---

**NOTICE OF MEETING CANCELLATION**

**ARCHITECTURAL AND SITE CONTROL COMMISSION**  
**MEETING REGULARLY SCHEDULED FOR**  
**Monday, December 24, 2018**

Notice is hereby given that the Portola Valley Architectural and Site Control Commission meeting regularly scheduled for December 24, 2018 has been cancelled.

The next regular meeting of the Portola Valley Architectural and Site Control Commission is scheduled for Monday, January 14, 2019 at 7:00 PM, in the Historic Schoolhouse, located at 765 Portola Road, Portola Valley, CA.



**Town of Portola Valley  
Conservation Committee Meeting  
Notice of Cancellation  
Tuesday, December 25, 2018**

---

**CONSERVATION COMMITTEE**  
**MEETING CANCELLATION NOTICE**

The regular meeting of the Conservation Committee  
scheduled for Tuesday, December 25, 2018  
has been canceled.



**TOWN OF PORTOLA VALLEY**  
**Bicycle, Pedestrian and Traffic Safety**  
**Committee Meeting**  
**Wednesday, January 2, 2019 – 8:15 AM**  
**Historic Schoolhouse**  
**765 Portola Road, Portola Valley, CA**

---

**BICYCLE, PEDESTRIAN AND TRAFFIC SAFETY**  
**COMMITTEE**  
**MEETING CANCELLATION NOTICE**

**The regular meeting of the Bicycle, Pedestrian and Traffic Safety Committee, scheduled for Wednesday, January 2, 2019, has been canceled.**





**TOWN OF PORTOLA VALLEY**  
**7:00 PM – Regular Meeting of the Planning Commission**  
**Wednesday, January 2, 2019**  
**Historic Schoolhouse**  
**765 Portola Road, Portola Valley, CA 94028**

---

## **NOTICE OF MEETING CANCELLATION**

**PORTOLA VALLEY PLANNING COMMISSION MEETING**  
**REGULARLY SCHEDULED FOR**  
**Wednesday, January 2, 2019**

Notice is hereby given that the Portola Valley Planning Commission meeting regularly scheduled for Wednesday, January 2, 2019 has been cancelled.

The next regular meeting of the Portola Valley Planning Commission is scheduled for Wednesday, January 16, 2019 at 7:00 PM, in the Historic Schoolhouse, located at 765 Portola Road, Portola Valley, CA.



## TOWN OF PORTOLA VALLEY

765 Portola Road, Portola Valley, CA 94028  
650.851.1700

### Notice of Town Council Reorganization

Notice is hereby given that at its Regular Meeting held on the 12<sup>th</sup> day of December, 2018, the Town Council of the Town of Portola Valley reorganized as follows:

<u>Name</u>	<u>Term Expires</u>
Ann Wengert, Mayor	11/2020
Jeff Aalfs, Vice Mayor	11/2020
Maryann Derwin, Councilmember	11/2022
Craig Hughes, Councilmember	11/2022
John Richards, Councilmember	11/2022

Sharon Hanlon  
Portola Valley Town Clerk

**From:** [REDACTED]  
**To:** [Jeremy Dennis](#); [MaryannMoise-DG](#); [JohnRichards-DG](#); [AnnWengert-DG](#); [Jeff Aalfs](#); [Craig Hughes](#)  
**Cc:** [Howard Young](#); [Brandi de Garneau](#); [Sharon Hanlon](#)  
**Subject:** Apologies  
**Date:** Monday, December 17, 2018 3:16:11 PM

---

All:

I'm very sorry to announce that my wife and I are selling our house in Portola Valley early next year, and moving down to Palo Alto in early January. I think we have mentioned this to many of you in the past few weeks. We simply no longer need a house so big, especially after 35 years. Our kids were age 1 and 4 when we moved into PV in 1984, but now they have both gotten married, been very successful and bought their own homes in the Bay Area. So we are downsizing to a smaller place in the local area, that is walking distance from restaurants and markets. We already own beautiful places in [REDACTED], so we aren't feeling bad. We just don't need so many bedrooms and bathrooms now.

I love the Town of Portola Valley, the Town Center, the schools, the events and our neighbors. And I enjoyed being a volunteer on the town government for over three decades, as an ASCC member, Planning Commissioner, 20 year Councilmember, 5 time Mayor and finally as Chair of the Town Center Master Plan committee. When I joined the Town government, Sue McGowen was Town Manager, then Angie Howard, then Alex MacIntire, then Nick Pegueros, and now Jeremy Dennis.

I've been in the Town Council room / Old Schoolhouse hundreds of times now. And I definitely recall being deeply involved in the new Town Center project. I still have numerous plans of the project as it evolved. And I've known Larry Strain and Susi Marzuola for many years, and have gotten them other jobs over the years, including the Visitors Center at the Redwood National Park in northern California.

Unfortunately I will have to resign as Chair of the TC Master Plan Committee since I will no longer be a resident of the Town.

Happy Holidays, and my very best to all of you,  
Ted

Ted Driscoll, PhD.  
[REDACTED]

**From:** [Sukhmani Purewal](#)  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** 2019 Council of Cities Dates and Vacancy List  
**Date:** Saturday, December 15, 2018 4:02:08 PM  
**Attachments:** [image001.png](#)  
[2019 Council of Cities Meeting Dates & Hosting Cities.pdf](#)  
[Vacancies for January 2019 CSC Meeting.pdf](#)  
**Importance:** High

---

Good afternoon Clerks,

Per Chair Glenn Sylvester, please find the 2019 "Council of Cities" dinner dates attached.

Also, attached is the vacancy list for positions expiring in January and February. Please forward this to your Mayor and Councilmembers. The letters of Interests should be sent to me directly no later than Friday, January 11<sup>th</sup>, 2019 by 5 p.m.

The City Selection Meeting will be on January 25<sup>th</sup> along with Council of Cities dinner. More info. to come from Burlingame!

Thank you,

*Sukhmani S. Purewal*

Assistant Clerk of the Board of Supervisors  
Secretary to City Selection Committee



**COUNTY OF SAN MATEO**

400 County Center | Redwood City, CA 94063  
Tel. (650) 363-1802 | [spurewal@smcgov.org](mailto:spurewal@smcgov.org)



## 2019 Meeting Dates & Hosting Cities

<b>Meeting Date</b>	<b>Hosting City</b>
January 25	Burlingame
February 22	City of San Mateo
March 29	Brisbane
April 26	Daly City
May 31	Millbrae
June 28	San Carlos
July 26	Pacifica
August 30	Portola Valley
September 27	Belmont
October 25	Foster City
November 22	Menlo Park
December 20	Colma

Updated as of 12/15/18

## **Positions expiring soon!**

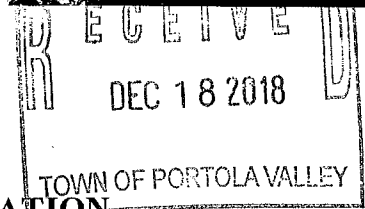
Please submit your “Letters of Interests” no later than 5p.m. on Friday, January 11, 2019 to Sukhmani Purewal, Secretary of City Selection Committee and Assitant Clerk of the Board of Supervisors via email or fax. Please email: [spurewal@smcgov.org](mailto:spurewal@smcgov.org) or fax: 650-363-1916.

The next City Selection Committee meeting will on January 25, 2019 in Burlingame (more info. to come)

---

- **Peninsula Corridor Joint Powers Board (CALTRAIN)**
  - Jeff Gee, Redwood City (Vacant)
    - Expires: No Term Limit
    - Representing: Cities (from among the three Council Members on the San Mateo County Transit District (SamTrans) Board)
    - Term will be from: 1/25/19 – No term limit
  
- **Association of Bay Area Governments (ABAG)**
  - Pradeep Gupta, South San Francisco (Vacant)
    - Expires: 6/30/19
    - Representing: Cities (All eligible)
    - Term will be from: 1/25/19 – 6/30/19
  
- **Metropolitan Transportation Commission (MTC)**
  - Alicia Aguirre, Redwood City (position expiring)
    - Expires: 02/09/2019
    - Representing: Cities (All eligible)
    - Term will be from: 2/10/2019 – 2/9/2023
  
- **Housing Endowment and Regional Trust (HEART)**
  - Glenn R. Sylvester, Daly City (position expiring)
  - Cliff Lentz, Brisbane (position expiring)
  - Liza Normandy, South San Francisco (vacant)
  - Anne Oliva, Millbrae (position expiring)
  - Maryann Moise Derwin, Portola Valley (position expiring)
    - All positions expiring on 2/28/19
    - Representing: Cities (All eligible)
    - Term will be from: 3/1/2019 – 2/28/2022

## SEQUOIA UNION HIGH SCHOOL DISTRICT

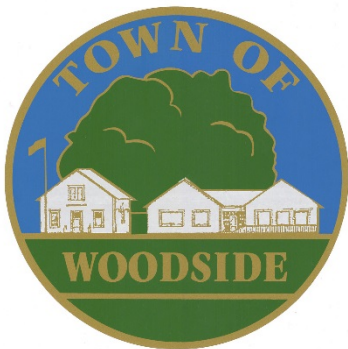
**NOTICE OF GOVERNING BOARD ORGANIZATION**

On December 12, 2018, the Sequoia Union High School District Board of Trustees elected the following officers:

<b>Board President</b>	<b>Georgia Jack</b>	<b>2020</b>
<b>Board Vice President</b>	<b>Allen Weiner</b>	<b>2020</b>
<b>Board Clerk</b>	<b>Alan Sarver</b>	<b>2022</b>
<b>Board Member</b>	<b>Carrie Du Bois</b>	<b>2020</b>
<b>Board Member</b>	<b>Chris Thomsen</b>	<b>2022</b>

**District Representative to the San Mateo County Committee on School District Organization: Alan Sarver**

Distribution: Local City Councils  
 San Mateo County Office of Education  
 San Mateo County Chief Elections Officer  
 San Mateo County Clerk-Recorder-Assessor  
 San Mateo County Committee on School District Organization  
 San Mateo County District Superintendents  
 San Mateo County School Boards Association  
 State of California Secretary of State



The Town of Woodside  
 P.O. Box 620005  
 2955 Woodside Road  
 Woodside, CA 94062

Phone: 650-851-6790

Fax: 650-851-2195

Email: [townhall@woodsidetown.org](mailto:townhall@woodsidetown.org)

Web: <http://www.woodsidetown.org/>

## NOTICE OF TOWN COUNCIL REORGANIZATION

---

On Tuesday, December 11, 2018, the Town Council of the Town of Woodside reorganized as follows:

		<u>Term Ends</u>
Daniel Yost	Mayor*	11/2020
Ned Fluet	Mayor Pro Tem*	11/2022
Chris Shaw	Councilmember	11/2020
Sean P. Scott	Councilmember	11/2022
Thomas H. Livermore	Councilmember	11/2020
Richard (Dick) Brown	Councilmember	11/2022
Brian Dombkowski	Councilmember	11/2022

*\*The Mayor and Mayor Pro Tempore serve one-year terms that are effective on the day and time the Council Reorganization takes place.*

Jennifer Li  
 Town Clerk



# C/CAG

## CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY

*Atherton • Belmont • Brisbane • Burlingame • Colma • Daly City • East Palo Alto • Foster City • Half Moon Bay • Hillsborough • Menlo Park • Millbrae • Pacifica • Portola Valley • Redwood City • San Bruno • San Carlos • San Mateo • San Mateo County • South San Francisco • Woodside*

Date: December 18, 2018

To: All Councilpersons of San Mateo County Cities and Members of the Board of Supervisors  
All City/County Managers

From: Maryann Moise Derwin, C/CAG Chair

Subject: **C/CAG Committee Vacancies for Elected Officials**

The City/County Association of Governments of San Mateo County (C/CAG) currently has vacancies on four of its standing Committees for elected officials of City Councils and/or the Board of Supervisors. The vacancies are:

- 1 Seat – Congestion Management & Environmental Quality (CMEQ) Committee**
- 1 Seat – Legislative Committee**
- 1 Seat – Bicycle and Pedestrian Advisory Committee (BPAC)**
- 2 Seats – Resource Management and Climate Protection (RMCP) Committee**

Individuals wishing to be considered for appointment to any of these Committees should send a letter of interest to:

Sandy Wong, C/CAG Executive Director  
City/County Association of Governments  
555 County Center, 5<sup>th</sup> Floor  
Redwood City, CA 94063  
or e-mail to [slwong@smcgov.org](mailto:slwong@smcgov.org)

Individuals must be an elected official on one of the twenty City Councils in San Mateo County or an elected official on the San Mateo County Board of Supervisors<sup>1</sup>. Individuals may send a letter of interest for a specific committee or a letter expressing interest in serving on any of the committees where there are vacancies. Please see Attachment A for more information about each Committee.

If you would like to be considered for any of these Committees, please submit your letter of interest by **January 18, 2019**. If letters of interest are not received by January 18, 2019, the recruitment will remain open until filled.

If you have any questions about the Committees or this appointment process, please feel free to contact any of the C/CAG Staff as follows:

---

<sup>1</sup> No more than two BPAC members can reside in the same jurisdiction. There are currently two members that reside in the City of South San Francisco, the City of Millbrae, and the Unincorporated County of San Mateo, and as a result, no new members from these three jurisdictions can be appointed.

For CMEQ:

Jeff Lacap  
650-599-1455

[jlacap@smcgov.org](mailto:jlacap@smcgov.org)

For Legislative Committee:

Jean Higaki  
650-599-1462

[jhigaki@smcgov.org](mailto:jhigaki@smcgov.org)

For BPAC:

Sara Muse  
650-599-1460

[smuse@smcgov.org](mailto:smuse@smcgov.org)

For RMCP:

Kim Springer  
650-599-1412

[kspringer@smcgov.org](mailto:kspringer@smcgov.org)

Sincerely,

A handwritten signature in blue ink, appearing to read 'Maryann'.

Maryann Moise Derwin  
Chair, C/CAG Board

Attachment

## ATTACHMENT A

## About the Committees:

1. **The Congestion Management and Environmental Quality Committee (CMEQ)** provides advice and recommendations to the full C/CAG Board on all matters relating to transportation planning, congestion management, travel demand management, coordination of land use and transportation planning, mobile source air quality programs, energy resources and conservation, and other environmental issues facing the local jurisdictions in San Mateo County. The role of the CMEQ Committee also includes making recommendations to the C/CAG Board on the allocation of funding for specific projects and activities addressing these programmatic areas. The Committee meets on the last Monday of each month from 3:00 p.m. to 5:00 p.m. in the San Mateo City Hall. There is one vacancy on this committee.
2. **The Legislative Committee** provides advice and recommendations to the full C/CAG Board on matters dealing with State Legislation, ballot measures, and positions to take on specific bills. The Committee is also the liaison with C/CAG's Lobbyist in Sacramento. The Committee meets at 5:30 p.m. on the 2<sup>nd</sup> Thursday of the month, immediately before the regular C/CAG Board meeting. The Committee generally cancels its meetings when the State Legislature is in recess. There is one vacancy on this committee.
3. **The Bicycle and Pedestrian Advisory Committee (BPAC)** provides advice and recommendations to the C/CAG Board on all matters related to bicycle and pedestrian facilities planning and the selection of projects of certain state and federal funding. Meetings are held on the fourth Thursday of the month at 7:00 p.m. in San Mateo City Hall. The BPAC has approximately six meetings per year. No more than two BPAC members can reside in the same jurisdiction. There are currently two members that reside in the City of South San Francisco, the City of Millbrae, and the Unincorporated County of San Mateo, and as a result, no new members from these three jurisdictions can be appointed. There is one vacancy on this committee.
4. **The Resource Management and Climate Protection (RMCP) Committee** provides advice and recommendations to the full C/CAG Board and provides updates to the Congestion Management and Environmental Quality (CMEQ) Committee on matters related to energy, water, and climate action efforts in San Mateo County, and develops and promotes actions, programs and resources on the same. The RMCP committee also receives reports on the San Mateo County Energy Watch (SMCEW) and Regionally Integrated Climate Action Planning (RICAPS) program. The Committee supports the goals, strategies, and actions outlined in the San Mateo County Energy and Water Strategy, which include: conserving and transitioning our energy supply and grid, water supply conservation and technologies, collaboration, leadership, and economic development opportunities. The RMCP meets on the third Wednesday of the month from 2:00 p.m. to 4:00 p.m., primarily in San Mateo with Redwood City as a secondary location. There are two vacancies on this committee.

## **TOWN COUNCIL WEEKLY DIGEST**

**Thursday – January 3, 2019**

---

1. Agenda – Parks & Recreation Committee – Monday, January 7, 2019
2. Agenda (Special) – Bicycle, Pedestrian & Traffic Safety Committee – Wednesday, January 9, 2019
3. Agenda – Emergency Preparedness Committee – Thursday, January 10, 2019
4. Agenda – Cultural Arts Committee – Thursday, January 10, 2019
5. Notice of Resignation from Cultural Arts Committee Member
6. Letter from former Planning Manager Leslie Lambert re Recognition of Staff Employee Carol Borck on her 20 year Anniversary with the Town of Portola Valley

**Attached Separates (Council Only)**  
*(placed in your town hall mailbox)*

1. Note of Thanks to the Town Council for Support from County of San Mateo Jobs for Youth Program



**Town of Portola Valley  
Parks & Recreation Committee Meeting  
Monday, January 7, 2019 – 7:30 PM  
Historic Schoolhouse  
765 Portola Road, Portola Valley, CA**

---

**AGENDA**

1. **Call to Order**
2. **Oral Communications (5 minutes)**  
Persons wishing to address the Committee on any subject, not on the agenda, may do so now. Please note however, the Committee is not able to undertake extended discussion or action tonight on items not on the agenda. *Two minutes per person.*
3. **Vote New Chair for 2019**
4. **Committee Priorities for 2019**
5. **Adjournment**

Next Meeting: February 4, 2019



**TOWN OF PORTOLA VALLEY**  
**Special Bicycle, Pedestrian and Traffic**  
**Safety Committee Meeting**  
**Wednesday, January 9, 2019 – 8:15 AM**  
**Historic Schoolhouse**  
**765 Portola Road, Portola Valley, CA**

**MEETING AGENDA**

1. Call to Order / Roll Call
2. Oral Communications – Public Comment/Open Floor
3. Approve Minutes
4. Sheriff's Report
5. Public Works Report:
  - a. Traffic Study update
6. Ongoing Committee Business for 2019
  - a. Traffic Study subcommittee activities
  - b. Windy Hill monitoring
7. Outreach possibilities for 2019
  - a. Scheduling of evening meetings, Traffic Study Outreach phase
  - b. Earth Day, Picnic and other Town events for 2019
  - c. Timely planning for 2019 budget items
8. Matters Arising
9. Time and Date for February 2019 meeting:
  - a. Wednesday, February 6, 2019, 8:15 am
10. Adjournment



**TOWN OF PORTOLA VALLEY**  
**Regular Meeting of the**  
**Emergency Preparedness Committee**  
**Thursday, January 10<sup>th</sup>, 2019 - 8:00 AM**  
**EOC / Town Hall Conference Room**  
**765 Portola Road, Portola Valley, CA 94028**

---

**AGENDA**

1. 8:00 Call to order
  - Members: Mark Bercow, Dave Howes, Anne Kopf-Sill, Dale Pfau, Chris Raanes, Ray Rothrock, Craig Taylor, Bud Trapp
  - Potential Guests: Jeremy Dennis/Town Manager, Brandi de Garmeaux/Assistant to Town Manager, John Richards/Town Council, Dan Ghorso and Selena Brown/ WFPD, C. Buck/Sheriff's Office, Christina Corpus/Sheriff's Office, Gary Neilsen/Police Commissioner, Chuck Nile/Red Cross, Stuart Young/former EPC member, Mark Dahlen, Doug Keyston/ Woodside Emergency Preparedness Committee, Wil Patterson / PV Public Works Committee, Jerry Shefren / resident, Lorrie Duvall / resident
2. 8:01 Oral Communications
3. 8:05 Approve minutes for December 13<sup>th</sup>, 2018 meeting
  - Draft to be handed out at meeting
4. 8:10 CERPP/WFPD Report (Brown/Ghorso)
  - Including update on CERPP Division organization proposal
5. 8:20 Town Report (de Garmeaux)
6. 8:25 Committee Reports
  - Medical Subcommittee Report
  - Communications Subcommittee Report (Rothrock)
  - Emails to PV Forum and Farmer's Market (Kopf-Sill)
7. 8:35 Conservation Committee, Nona Chiariello
  - Proposal for jointly-sponsored Town meeting re fire-safe landscaping
  - Informational, no action needed
8. 8:45 Goals for 2019; start discussion
9. 8:55 Next meeting is February 14<sup>th</sup>, 2018
  - Quorum check
10. 9:00 Adjourn.



**TOWN OF PORTOLA VALLEY**  
**Cultural Arts Committee Meeting**  
**Thursday, January 10, 2019 - 1:00 PM**  
**Historic Schoolhouse**  
**765 Portola Road, Portola Valley, CA**

---

**MEETING AGENDA**

1. Call to Order
2. Oral Communications
3. Approval of Minutes – November 8, 2018 (*November minutes were unavailable at time of packet distribution and will be handed out at the meeting. There was no meeting held in December*)
4. New Business:
  - Holiday Faire Review: Was it successful?
  - Who will take on the Faire next year?
  - Elizabeth Papadopoulus has resigned as Co-Director; interest in replacing with CAC member or outside candidate?
  - Speaker Series – Who will manage, how many events?
  - Concert Series – Paige will continue to manage
5. Adjournment



**From:** [REDACTED]  
**To:** [Sharon Hanlon](#); [Brandi de Garmeaux](#); [Jeremy Dennis](#)  
**Subject:** Moving on from CAC  
**Date:** Thursday, December 27, 2018 8:27:50 PM

---

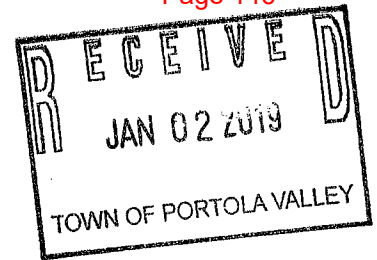
Hi Sharon, Brandi, and Jeremy,

Hope you all had a wonderful holiday season!

It has been a great 3 years as CAC co-chair and I have truly enjoyed working with you all to continue bringing existing events to our town and also creating new ones -- what a wonderful adventure the Speaker Series, Dengler Exhibitions, and Youth Photo Show have been! Now looking toward 2019, I've decided to step down from the chair position and committee to spend more time working on my own artwork.

I have let Paige know about this but am not sure about her status regarding continuing as chair or not. Much appreciation to each of you for making these past years bringing arts to the town so fulfilling. I hope we get the chance to work together again in the future.

Warmly,  
Liz



December 27, 2018

Mayor and Town Council Members  
Town of Portola Valley  
765 Portola Road  
Portola Valley, CA 94028

Dear Mayor Wengert, Council Members Aalfs, Derwin, Hughes, Richards,

As the new year approaches, I reflect on important matters that helped form today's Planning Department in the Town. While we all know the dedication and importance given by our Planning Consultants that helped the Town form the Planning Department and Development of the Town many years ago (Spangle Associates). We often forget the hard work and dedication that employees take on themselves.

It is my pleasure to recognize Ms. Carol Borck on her 20th Anniversary with the Town, January 11, 2019. I interviewed and hired Carol 20-years ago in December 1998 and worked closely with her for 15+ years. Upon my retirement from the Town, the Planning Consultant helped Carol take on new projects and achieve more direction. The Planning Directors that have worked with the Town have given Carol more drive to keep moving forward in her current position with the Town. Since hiring Carol 20-years ago, Carol has grown even further with the change in administration and managers the past few years. Carol has shown and proven that she is capable to take on challenges and changes that impact her. She has gained more confidence and knowledge in the world of planning in the Town. She is thoughtful, clear headed, thorough in her working relationships with her colleagues, residents in the Town, architects, arborists, contractors and consultants. She is well known and has good direction. I still receive communication from local homeowners, architects, contractors, and arborists that work with Carol on projects, they appreciate her knowledge and ability to provide a clear understanding of the permit processing, regulations and policies and concise direction on their projects. I am glad that we hired Carol some 20-years ago, she should be acknowledged for her hard work and dedication to the Town.

Thank you for your appreciation. Congratulations Carol on your 20th Anniversary!

Sincerely,

A handwritten signature in cursive script that reads "Leslie".

Leslie A. Lambert  
Retired Planning Manager

cc: Carol Borck, Planning Technician II  
Jeremy Dennis, Town Manager  
Laura Russell, Planning & Building Director