

TOWN COUNCIL MEETING NO. 734, DECEMBER 12, 2007

ROLL CALL

Mayor Driscoll called the meeting to order at 8:00 p.m. and led the Pledge of Allegiance. Ms. Howard called the roll:

Present: Councilmembers Davis, Derwin and Toben, and Mayor Driscoll  
Absent: Councilmember Merk  
Others: Town Planner Mader, Dep. Town Planner Vlastic, Town Administrator Howard, Town Attorney Sloan, Asst. Town Administrator McDougall and Asst. Clerk Hanlon

ORAL COMMUNICATIONS

George Comstock, representing the Nature & Science Committee, read his memo of 12/12/07 requesting that the Town's website include a dedicated section for nature and science items of interest to the community.

Jon Silver, Portola Road, said PG&E had partnered with a number of non-profits to distribute CFLs free of charge. Residents could sign up on a sign-up sheet to receive free bulbs.

REORGANIZATION OF TOWN COUNCIL

(a) Installation of Councilmembers

Ms. Howard administered the oath of office to Councilmember Toben and Ann Wengert.

(b) Election of Mayor

Mayor Driscoll nominated Vice Mayor Derwin to be Mayor for next year. Councilmember Toben seconded, and the motion carried 4-0. Councilmember Driscoll passed the gavel to Mayor Derwin. Mayor Derwin read a prepared statement. In summary, she said she was honored to serve in this role. She thanked Councilmember Driscoll who had inspired and amused her while teaching her the ropes during the past year. She described some of Councilmember Driscoll's attributes and said she would try to practice what she had learned. She congratulated Councilmember Toben for taking on another term, and praised his leadership and tenacity in moving critical issues forward. She extended a warm welcome to Councilmember Wengert and described her leadership and competency while serving as Chair of the Planning Commission. She described the importance of giving women visibility in the upper tiers of town government, the makeup of the constituency, and special attributes of the Town and its residents. She said she looked to the coming year as an opportunity to nurture and grow the community spirit, get the Town Center up and running, open the creek, create a green point system for new construction and remodels, revitalize the corner of Alpine and Portola Roads, improve the Town's website, and solve the sewer versus septic conundrum. She looked forward to working with staff, Councilmembers, and volunteers to help ensure a good future for the Town.

(c) Election of Vice Mayor

Mayor Derwin nominated Councilmember Wengert for Vice Mayor. Councilmember Driscoll seconded, and the motion carried 4-0. Mayor Derwin noted that this was the first time that the Mayor and Vice Mayor were women.

COUNCIL RECOGNITION: Ed Davis, Former Mayor and Outgoing Councilmember

Mayor Derwin described Councilmember Davis's service and commitment to the Town, the assistance and encouragement she had received from him, respect for him outside the Town, his abilities and his generosity.

Councilmember Toben described Councilmember Davis's educational background, career in computer engineering, patents and papers, creation of hardware and software applications for non-profit organizations, service to the Town, personal attributes and abilities, his analysis of the property tax issue, his approach to problems, and leadership.

Councilmember Driscoll said he was very happy to have had Councilmember Davis on the Council for the last 8 years as well as being a next-door neighbor. He said it was a great pleasure to serve with him and that he would be missed. He hoped Councilmember Davis would continue his involvement with the Town.

Councilmember Wengert said there was no greater honor than to fill Councilmember Davis's seat. She was incredibly impressed with Councilmember Davis's intelligence, insight, and humanity.

Jon Silver thanked Councilmember Davis for all that he had done for the Town. It was a real pleasure to get to know him and speak with him about issues. He clarified issues and would be greatly missed.

Bill Lane, Westridge, read a letter that he gave to Councilmember Davis after the last meeting. In the letter, he: (a) commended Councilmember Davis for his dedicated and sage service to the Town; (b) urged him to continue to counsel residents, elected officials, staff and consultants; and (c) wished him well. He said he presented Councilmember Davis with a reprint of the first issue of *Sunset Magazine* featuring the 8-year old Yosemite Park and a paperweight made from a section of the cable going up to the top of Half Dome.

Danna Breen quoted John Gardener: "Liberty and duty, freedom and obligation, that's the deal." She thanked Councilmember Davis for understanding that.

Ms. Howard extended thanks from the staff. She said Councilmember Davis had also designed software programs for the staff including an incredibly useful database for parcels and tracking systems for permits. He also helped with training and computers. She thanked him for his many years of service and wise counsel, noting that staff would miss him greatly.

Councilmember Davis said there was no way he could live up to the positive comments and thanked everyone. He said he had known most of the people who had served on the Council, and that they were a wonderful group to work with. He thanked his comrades, staff and residents who allowed disagreements to occur without being disagreeable.

(1) PRESENTATION: Community Events Committee on Blues and BBQ fundraiser.

Diana Raines, Co-chair of 2007 Blues and BBQ, said revenues totaled \$101,300.17, and expenses totaled \$34,616.06 for a net of \$66,684.11. She asked that the funds be transferred to the Open Space Acquisition Fund. She said next year's Blues and BBQ would be September 14, 2008. Mayor Derwin extended thanks to the Committee for Blues and BBQ, the holiday party, and picnic, noting that all had successfully occurred while the Town Center was being constructed. She read the names of the Committee members.

CONSENT AGENDA

By motion of Councilmember Driscoll, seconded by Councilmember Toben, the items listed below were approved with the following roll call vote:

Ayes: Councilmembers Driscoll, Toben, Wengert and Mayor Derwin.  
Noes: None

- (2) Minutes of the Town Council Meeting on November 28, 2007.
- (3) Warrant List of December 12, 2007, in the amount of \$1,547,162.76.
- (5) Resolution No. 2375-2007 Accepting Final Blue Oaks Subdivision Improvements, per Mr. Vlastic's memo of 12/4/07.

#### REGULAR AGENDA

- (4) Second Reading of Title, Waive Further Reading, and Adoption of an Ordinance Amending Chapter 10.72 [Construction Traffic Road Fees] to Title 10 [Vehicles and Traffic] of the Portola Valley Municipal Code (Removed from Consent Agenda)

Referring to the ordinance, Councilmember Toben said there could be a situation where a property owner undertook substantial site development work with heavy vehicle traffic and then abandoned the project. The ordinance implied that the property owner would be entitled to the complete refund of the fee. It might be appropriate to retain at least a portion of the road impact fee when damage had been done to the road. Ms. Sloan said the intent was to refund the fees for someone who never started construction. Responding to Councilmember Toben, Mr. Vlastic said the McKinney project received permits for all the work that was done on the utility improvements, but building permits had not been pursued for the house. Responding to Councilmember Toben, Ms. Sloan said "committed (Section 10.72.070) meant committed to a particular project of the Town. She said she could add some language to clarify refunding of fees. The item was continued to the first meeting in January.

- (6) First Reading by Title, Waive Further Reading, and Introduction of an Ordinance Amending Section 18.54.050 [Floor Area] of Chapter 18.54 [Building Bulk] of Title 18 [Zoning] of the Town's Municipal Code.

Town Planner Mader reviewed his memo of 12/3/07 on the proposed regulations regarding basements. He discussed the background, recent trends, concerns about basements, analyses, the Planning Commission's specific recommendations, and ordinance provisions.

Councilmember Wengert said one of the things the Planning Commission analyzed was the number of homes that had been built within a specified time period that would have been impacted by the basement regulations. Responding to Councilmember Wengert, Town Planner Mader said he recalled that less than half and about one quarter would have been impacted. Councilmember Wengert said when the regulations that limited house size were put in place, it was never contemplated that large basements would become an issue. In looking at the number of projects that fell within the parameters, the Planning Commission had tried to provide some flexibility for a reasonably sized basement while at the same time reflect the growing concerns relative to excavation, development, road impacts, etc. Town Planner Mader added that the Town had been one of ranch style houses without basements. It had come into focus in the recent past and needed attention.

Mayor Derwin opened the public hearing.

SallyAnn Reiss, Golden Oak, said she appreciated the work the Planning Commission had done over the years to keep the style of living and ambience rural and rustic. She was, however, worried about this ordinance. In the past, the Town had ensured that when people built houses, the impact on neighbors was minimized. The height, color, etc., regulations imposed on the owner were to make sure the neighbors

weren't impacted on a day-to-day basis and the value of their property wasn't diminished. This ordinance was starting to cross the line of personal property rights. All she heard was that people needed to be stopped from having a certain size of house. There were some environmental and road impacts mentioned, but people paid huge fees to make sure the roads would be repaired afterwards. The ASCC did a great job and was very protective of the landscape. Concern about vegetation was already covered. The need to decrease the size of houses didn't feel right. It was okay to make sure that the house wasn't too big and a huge mass above ground. But, below ground and at the cost of the person doing the project, she questioned who would care. It was their property. She would love to have a basement in her house because she didn't have room for her piano or space for her kids to set up train tracks. There were a lot of things she had given up by not having a basement. She questioned why people should be prevented from having them when it didn't create more mass above ground. She thought this was crossing the line between community, social living and personal property rights.

Paul Wick, Ramoso Rd., said he agreed with Ms. Reiss's comments. He did not have a basement but was jealous of those who did. There were many advantages to having a basement--such as additional storage and recreation and music rooms. With a basement, people didn't have to have as big of a house above ground. He said his thoughts were outlined in an e-mail sent to Mayor Derwin this afternoon. The proposal from the Planning Commission struck him as regulation run amok. The Town had better things to do than meddle with such a fundamental property right as putting in a basement as big as the first floor. People were tempted to put in a large basement because of the restrictive Town limitations on the size of houses—especially on hilly properties. The only solution if you wanted a lot of room for children and storage was to build a basement. Thirty-one out of seventy homes having basements didn't strike him as basement building run amok. As far as the Town having a tradition of ranch style houses, the world had changed. It was not 1960 any more, and it was time the Town Council came to grips with that fact.

Jon Silver complimented the Planning Commission on the proposed ordinance and urged the Council to adopt it. He disagreed with comments just made. The comment was made that this was just to prevent having big houses. That was inaccurate. It was because of the environmental impact. Councilmembers were sworn to uphold public safety and welfare. Part of public safety and welfare was the impact on the environment of the Town, which had been safe guarded since Bill Lane and others incorporated the Town in 1964. Referring to the ordinance, he said if someone wanted to max out their square footage and put in a bigger basement, they would have to have a smaller house. But, the neighbors would have to listen for months or years to heavy equipment grading. There were also things like the impact on trees and the environment, the strong pressure to leave soil on site, and impact on the rest of the community of trucks spewing global warming gases, etc. He was sorry to see the property rights banner flashed around and talk of "the People's Republic of Portola Valley." This kind of talk was silly.

Alex Von Feldt, Creek Park Dr., supported the basement ordinance. While damages to roads could be recovered, people putting fill on the site covered the native grasses and plants that had been there for centuries. New dirt compacted by bulldozers always brought in weeds, including broom and thistle. To eradicate all that required chemicals. Then you had to try to re-introduce the native species. Typically, the native plants never returned and the weeds remained. While the ASCC and Town tried very hard to protect these plants, meadows were disappearing under huge piles of dirt. Something like this ordinance would really help keep the native environment. On the property rights issue, she struggled with that. Property rights were fundamental to the nation. But, Portola Valley was the town it was because there were controls. There were many towns without those controls, and they changed from beautiful places to completely different areas. Everyone came to the Town because they loved what they saw. Because of floor area, height and planting limitations, Portola Valley was special. The basement ordinance was the next step.

Jonathan Spezia, Hillbrook Drive, said he was against the ordinance. He had a neighbor who built a basement, and he hadn't noticed all the heavy machinery. It didn't really change much and didn't impact him as a neighbor. Also, since your neighbors couldn't see your basement, it shouldn't be as strictly limited

and regulated because it didn't impact the neighbors very much. There should be strict limitations on what you could build, but maybe not a square footage limitation. If people wanted to go to the expense to build a big basement, they should be allowed to because no one else could see it. It was the way to get more space and rooms in your house.

Planning Commissioner Elkind said there was nothing about this ordinance that prevented people from having basements. In fact, it would allow an average basement size of around 1,500 sf, which in many cases would be adequate. People could have their floor area as allowed plus an additional basement space. It was not as if there would be no opportunity for roller rinks or playrooms in the basement. Those could be accommodated in 1,500 sf. This ordinance was a very gentle ordinance. It allowed people plenty of leeway and would not reduce the number of sf in the aboveground floor area to a significant extent. Additionally, something that hadn't been mentioned was the relationship of house size to energy use. The Town was moving eagerly in the direction of meeting a goal of reducing CO<sub>2</sub> and greenhouse gas emissions. In reading the Green Building Council's materials, one of the biggest contributors to energy inefficiency was super sized houses. A breaking point for them was 2,600 sf; after that, the bigger the house, the bigger the number of point deductions. That was another example of the environmentalists' consensus about the significance of house size. The new houses in Town were twice that 2,600 sf. The trend in Town was to build bigger homes and bigger basements. A significant number of homes and almost all of the new ones in Blue Oaks had increased home sizes. The actual living space had been increased by 25% or more by the size of the basements that had been added. The Planning Commission believed that the ordinance would gently encourage property owners to build homes with living areas that more closely matched the FARs that were adopted by the Town before the basement boom. With respect to the effect on real estate values in Town, she felt people chose to live in Portola Valley because of its location and its small town, rural ambience and scenic beauty. She did not think homes in Portola Valley would be less desirable because basement size was restricted or discouraged.

SallyAnn Reiss said she moved here because people told her there were great schools. The rural ambience was also important. Those two things were the biggest reasons she moved into Town. Some of the biggest annoyances for new people who moved into Town were the building codes and regulations. Various people had said that Portola Valley and Woodside were the most difficult places in the State to build a house. While the Town tried to do good things, this was crossing the line. When people moved here, they didn't realize how invasive some of these ordinances were on the basic right to own a piece of property. She had a 3,000 sf home with three children, and it was not enough room. If she had the money, she would build a bigger house. There were a lot of things she would like to incorporate into her lifestyle, and that was her choice.

Paul Wick said a lot had been said about reducing greenhouse gas emissions and the green movement. It almost seemed like it was a religion that a lot of members of the Planning Commission seemed to belong to. Not everyone in Town belonged to that religion. He questioned the propriety of the Town saying how much a given house should consume. It was not the Town's right. If it went to the next logical step, the Town would be telling him what kind of refrigerator he should get or that he shouldn't drive an SUV. It should be abundantly clear to anyone who thought about property values that more regulation and these kinds of limitations, which were much more severe than other towns on the peninsula, would in fact make a house in Portola Valley less valuable than a similar house in Los Altos Hills or Woodside. To the point about the difficulty of building in Portola Valley, he moved here from New York City nine years ago and went through the ASCC and Planning Commission process and dealing with an awful neighbor. It was an arduous process. He had been sold on the peacefulness and natural beauty of the Town, and he was still very much seduced by that natural beauty.

Jon Silver said speakers indicated that they were attracted by the environment and beauty of the Town and had had no idea how tough the building codes were. The rigor of the zoning ordinance and General Plan was part of the reason Portola Valley was more beautiful than Los Altos Hills. An architect friend indicated

that Los Altos Hills had a far more difficult process and had ordinances that didn't achieve the end result of protecting their rural town as well as the Town was protected. The Town was also willing to modify its ordinances as needed. The Town was founded on environmental responsibility and stewardship before it was fashionable; that was the ethos of this Town. The Town had moved forward with some very good ordinances over the years with support from the community.

With respect to the Town's role in green building, Mr. Vlasic said the State building code and energy requirements under Title 24 would be ratcheted up substantially next year to a point where interior elements of a person's house would be substantially impacted in terms of paint and other things that were well beyond anything the Town had talked about. The greater community recognized the problems with global warming and the climate. This was coming down from the State level, and the Town's initiatives taken at this point were responding to that well ahead of the curve. He described a project where a basement had been eliminated because the owners decided they could not accomplish what they wanted to from a sustainability standpoint.

Bill Lane agreed noting that he was familiar with the State's concerns. Things were going to be made much tougher. The concerns about global warming were hard for a lot of people to comprehend. He discussed the Bali conference and actions of other countries. There was a lot of information available. There was a new generation of adults who were not coming here assuming that everything was going to be easy. People would find out that dealing with this problem was going to complicate lives. More restrictions would be made which would at times go against what was accepted in the past. Trains and planes were becoming more energy efficient with far less pollution. The future for the Town would change. The first Town Council was dealing with situations that were very different than issues facing this Council. People needed to think differently. The scientists now accepted that things were happening that had not happened in thousands of years to the same degree. Trends were occurring at a far greater rate than people predicted a few months or years ago. He supported what the Town was trying to achieve.

Mayor Derwin closed the public hearing.

Councilmember Driscoll said the basement issue first came up when a proposal came in for a production studio with 22' ceilings underneath a house. There would have been over 1,000 truckloads of material for off haul. The Town realized that "out of sight, out of mind" wasn't really true. There needed to be some limit, and the question was what was the right limit not to impinge on a person's right to reasonably enjoy his property. As he read the reasoning behind the ordinance and the research he had done on the subject, he thought the ordinance permitted a very substantial basement on virtually every lot in Town. A basement of 1,500 or 2,000 sf was huge, and the ordinance allowed that. If people calculated it for their property, they would find it was reasonable. He supported the ordinance. If it became onerous at some point, it could be altered. But, he felt it reasonably captured a limit that was fair.

Councilmember Toben agreed. He appreciated the comments from concerned residents. But, he was impressed by the fact that what was permitted was quite reasonable. It was entirely possible for a playroom, rec room, etc. The Planning Commission was a group that thought through problems very carefully. This Planning Commission was extraordinarily attuned to the interests of property owners when it came to balancing their desire to have optimal enjoyment of their property. In case after case, he was consistently amazed at the effort they went to to take into account the legitimate interests of the homeowners. If this was a ban on basements, he could support the opposition. Basements had unique virtues, which were enabled by this ordinance. He was also concerned about the lack of limitations on basement sizes with respect to environmental values and ethos in the Town. As Bill Lane said, people needed to think differently than 10, 20 or 30 years ago. He did not agree with the comment that this was a matter that solely affected the property owner and didn't affect the neighbor. The notion that you could build a basement and no one noticed was not tenable from the standpoint of the additional off haul, potential for increased intensity of uses of the site, increased traffic, etc. Those were legitimate concerns. Regarding

the overall burden of the Town's processes, he realized it was rigorous. The reason the Town was so prized and valued was because the processes were tough. It was a beautiful environment because walled estates and mansions were not allowed as they were in other communities. The proposal was very consistent with the family-centered ethos. The ordinance had been extremely well tuned to enable an appropriate level of construction relative to the size of the structure. He firmly supported the ordinance.

Councilmember Wengert said Commissioner Elkind brought up an important point. As the Planning Commission moved through this process, the urgency of adopting some reasonable, self-regulated mechanism became apparent. In light of the way everyone was going to have to be moving, and despite what personal detriment might occur, the ordinance was consistent with what the Town would be facing as it moved forward. It was well crafted, and she supported it.

Mayor Derwin said she sat in on the meetings when the Planning Commission crafted the ordinance. It could have been a lot more restrictive. Additionally, she had been to a lot of meetings with people from the State. It was beyond ideology. Regulations were coming from the State. The Town signed on to AB 32 because it wanted to be ahead of the curve. The State would be bearing down on cities and towns.

Town Planner Mader said the ordinance was developed very carefully by the Planning Commission. He felt the rationale for the ordinance addressed the questions raised tonight. Referring to the ordinance, he said paragraph "f" was right in line with what was being discussed in terms of energy efficiency and sustainable building. The language had been very carefully put together.

Referring to Section 18.54.050.B, Councilmember Toben suggested deleting the commas in the first sentence. He also thought it would be clearer to state: "The floor area of a basement...will not be counted in the total calculation of floor area."

Councilmember Driscoll moved first reading by title, waive further reading, and introduction of an Ordinance Amending Section 18.54.050 [Floor Area] of Chapter 18.54 [Building Bulk] of Title 18 [Zoning] of the Portola Valley Municipal Code, as amended. Councilmember Wengert seconded, and the motion carried 4-0.

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

##### (7) Revision to Approved Trail within the Herb Dengler Preserve on the Kersten Property

Craig Taylor, Trails Committee, reviewed his memo of 11/20/07 on the revised plan for a new trail on the Kersten property. Responding to Councilmember Toben, he said the trail was down slope from the residences shown on the map. He thought the trail was at least 20 vertical feet down and 75' away from the closest residence. Responding to Councilmember Toben, he said the residents knew a trail was going in, but they probably hadn't seen the new proposed alignment. He said he would be happy to bring it to the attention of the residents. Responding to Councilmember Toben, he said before a lot of time was spent on the easement on the Hayfields private open space, he wanted to make sure the Council was comfortable with what was proposed. He did not think the Hayfields homeowners' association would object. Responding to Councilmember Driscoll, he said the proposed alignment shown on the map was approximate. It would follow the slope of the terrain with as few switchbacks as possible.

Ms. Sloan said if the Council was in conceptual agreement, a more specific alignment would need to be provided, and there would have to be some environmental review because it was a new trail.

Responding to Councilmember Wengert, Mr. Taylor said in addition to the Lanes' donation of \$25,000, there was money in the Trails Committee's budget to cover the cost of the trail.

Councilmember Driscoll said he could support the longer trail. He felt it should be laid out more sensitively

and that it should be pulled away from residences.

Council approved the concept. Ms. Sloan suggested Mr. Taylor speak with the Hayfields association about the easement and then contact her. The next step would be to get an exact alignment. Once it was known exactly where it would be, the planners would be asked to do some environmental review. That required a 20-day public review period. After that, the Council could confirm that they wanted construction to happen.

Town Planner Mader said the final plan should be on a map showing topo and trees to see how it fit on the terrain. That information was in the Town's base map. Responding to Mr. Taylor, he said the general route should be laid out. Mr. Taylor confirmed he would talk to the neighbors once it was laid out.

(8) Status of Town Center Project

Ms. Howard said the framing was being completed, and the roof on the Community Hall should be built next week. As soon as that was finished, they would work more on the library. The sod was in for the new softball field, and the irrigation had been tested. Next week, construction of the backstop would begin and would take several weeks. Additionally, staff had approved a proposal to fix the bases of the playground structures. As soon as the details were worked out, the playground would be closed for about two weeks in late January or early February. Responding to Councilmember Toben, she said pieces had to be manufactured and it would probably not be until January when it was known when the playground would need to be closed. Councilmember Toben said the community needed to be given adequate notice of the closure. He suggested scheduling the work 30 days out in order to provide for notice. There was a lot of attachment already to the new structure. Ms. Howard said at least 2-3 weeks notice would be provided. Councilmember Toben said he wanted it widely publicized. Councilmember Driscoll noted that what was proposed would result in a better play structure.

Ms. Howard said at the last ADT meeting, there was a lot of discussion about the donor recognition plan. It would be presented to the Council on January 9. There had been a lot of outreach to the different fundraising groups so that everyone was included in the ultimate plan. There would be a special meeting of the ADT next week to discuss the design of the opening of the creek. Councilmember Driscoll added that the design team was trying to come up with a design that adhered to the creek setbacks just adopted by the Town. There were some constraints due to the pipe, etc. The residential requirements could be met, but this was an institutional use and the setbacks were larger. There were also discussions about the creek alignment. A church representative now attended ADT meetings and was helpful. He discussed changes to the berm due to the creek alignment. Redwood trees might be needed for screening.

Bill Lane said he did not want the Council to give up any final decision on the creek. He and Mrs. Lane supported the principle of opening up the creek in whatever way was feasible and practical. He asked if he could give a restricted gift that was limited to research on what would be done prior to the Town Council taking a final vote. He wanted to ensure the Town Council had as much information as possible and that the project was well researched. Responding to Mr. Lane, Councilmember Driscoll said the consultants had to come up with a physical plan in order to talk to the various permitting agencies. All of that would be presented to the Council early next year along with the efforts of the fundraisers. He felt Mr. Lane could request his donation be used for whatever he wanted. Responding to Mr. Lane, he said changing the flow and amount of water coming off of the site, could have an effect downstream.

Mayor Derwin confirmed that the Council had authorized \$400,000 for the design and permitting work. No action had been taken on the construction. Responding to Councilmember Toben, Councilmember Driscoll said the setback issue was not affecting the budget. Responding to Councilmember Wengert, he said if \$400,000 was not raised by the fundraisers, the Town would use the general fund. Councilmembers discussed fundraising, noting that grant money was also being pursued. Councilmember Driscoll said a meeting was scheduled with all the major permitting agencies on site on December 21.



(9) Reports from Commission and Committee Liaisons

*[Tape malfunction-inaudible sections]*

(a) Airport Roundtable

Councilmember Toben said he had some serious concerns about aircraft over flights. He learned that a new series of tests had begun over the Woodside VOR testing the Oceanic Tailored Arrivals (OTA) technology. These tests did not impose any floor on the altitude that the planes could come over. The Town and residents had not been told about the tests. The hypothesis was that because these aircraft were gliding in and not using air brakes to step down, they would not be noticed. But, nine months ago they said there was no significant difference in the noise reading from earlier tests. He was told that the data was being parsed by NASA and would be made available, but nothing had come forward. He felt there was a reluctance to be forthcoming about information that was bothersome. He said he had enthusiastic support from the other south county communities who had concerns. He described some of the reasons for using the new technology including fuel efficiency and improved safety. But, he wanted to ensure that the Town was fully aware of the data and information so an informed decision could be made. Responding to Councilmember Driscoll, he said the Noise Abatement Office was an office of the airport. The project was being run by NASA and was an FAA project. Responding to Councilmember Wengert, he said the OTA technology was currently being tested, and he had requested the protocol for the recent tests. He wanted to find out how many aircraft, what kinds of aircraft, etc.

Councilmembers Driscoll and Wengert said they had had complaints in the last couple of months. Councilmember Toben discussed potential volume. He said this was not an altitude issue; it was a noise issue. Town Planner Mader noted that the Town was working on updating the Noise Element. The noise consultant might be of some assistance in getting data.

(b) Planning Commission

Councilmember Wengert said the Commission held its first public hearing for the Roberts Market application. Neighbors' primary concerns were hours of operation, noise, traffic congestion, and circulation. Many of the neighbors' concerns related to the prior operation. The biggest issue was the early morning hours of operation, which would be discussed at the December 13 special meeting. She discussed proposed delivery times, requirements to have trucks shut off motors, and the loading dock area. Responding to Councilmember Driscoll, she said she would raise the question of refrigerated trucks not being able to shut off at the meeting. She said related to concerns about early hours of operation was the employee parking in the back lot; employees might be asked to park in front and then move to the rear lot later in the day. She discussed proposed permit conditions including reviews, seating, improvements to Nathhorst Triangle, and bike racks. Town Planner Mader said Mr. Vlasic went to Roberts in Woodside at 5:45 a.m. to witness the arrival of employees, noise, and how the operation started up. He would be reporting on that at the meeting.

(c) Utilities and Sustainability Task Force Meeting

Mayor Derwin said this task force was similar to the Town's climate committee but they were focusing on the County. The Town was light years ahead of any other town in San Mateo County. The task force had an energy piece in their plan, and she would be attending the next meeting.

(d) Traffic Committee

Mayor Derwin said the committee discussed the request from a resident with a blind driveway to place a

mirror in the Town's right-of-way. This had been an on-going issue for two years, and the resident was advised to speak with his neighbor about putting the mirror on the neighbor's property.

(e) San Francisquito Creek JPA

Mayor Derwin said she met with JPA Board members to discuss the history of the JPA and the Town's relationship. She also attended a Board meeting on 12/6/07. It was suggested the Town join as an associate member at no cost.

(f) Trails and Paths Committee

Mayor Derwin said Bobbie Jordan wanted to put a bench on a trail in honor of Nancy Lund. The Committee said they had a policy of no benches on trails. She reminded them that the Committee did not make policy—only recommendations. The Committee recommended no benches on trails. Councilmember Driscoll noted that there were benches on trails. Ms. Sloan suggested agendaizing the issue and asking the Committee to explain their reasons not to allow benches. Mayor Derwin said the Committee also wanted to declare a moratorium on replacing dog signs on Coal Mine Ridge that had been vandalized or destroyed because of the staff time and cost. Ms. Sloan suggested agendaizing the item.

WRITTEN COMMUNICATIONS

(10) Town Council 11/30/07 Weekly Digest

(a) Transportation Authority Board

Mayor Derwin referred to the letter from Sepi Richardson of 11/16/07 requesting support for appointment to the TA Board. She said she would be attending the Council of Cities dinner meeting and vote for Sepi Richardson

(11) Town Council 12/7/07 Weekly Digest

(a) Vandalism at Corte Madera School

Referring to Ann Campbell's e-mail of 12/3/07, Councilmembers discussed the vandalism at the school. Councilmember Driscoll noted that the New Town Center was vulnerable. Around-the-clock watchmen security was being implemented.

(b) Freedom Coalition for San Mateo County's Martin Luther King, Jr., Day Celebration

Mayor Derwin said she would be representing the Town at the celebration on 1/21/07.

(c) Green Footnotes

Mayor Derwin said on page eleven of the fall 2007 issue, it stated that the Town was moving forward to restore Corte Madera Creek to a natural flowing stream at the New Town Center.

ADJOURNMENT

The meeting adjourned at 10:35 p.m.

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Mayor

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