



TOWN OF PORTOLA VALLEY

7:30 PM – Special Town Council Meeting

Wednesday, October 13, 2010

Community Hall at Town Center

765 Portola Road, Portola Valley, CA 94028

SPECIAL MEETING AGENDA

7:30 PM – CALL TO ORDER AND ROLL CALL

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

ORAL COMMUNICATIONS

(Time Estimate – 5 Minutes)

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 – Regular Town Council Meeting of September 22, 2010
- (2) Approval of Minutes – Special Joint Town Council/EPC Meeting of September 29, 2010
- (3) Approval of Warrant List – October 13, 2010
- (4) Recommendation by Town Attorney – Adoption of a Policy Regarding Use of Personal Computing Devices
 - (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Adopting a Policy Regarding the Use of Personal Computing Devices (Resolution No. __)

REGULAR AGENDA

PUBLIC HEARING

- (5) PUBLIC HEARING – Regarding the appeal of the Planning Commission's denial of Conditional Use Permit X7D-170 for Wireless Antenna Facility, Cal Water Tank Property, Peak Lane and Golden Oak Drive

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

- (6) Report from Councilmember Derwin – Sustainability Leadership Award / ICLEI Conference

There are no written materials for this item.
- (7) Reports from Commission and Committee Liaisons

There are no written materials for this item.

WRITTEN COMMUNICATIONS

- (8) Town Council Weekly Digest – September 24, 2010
- (9) Town Council Weekly Digest – October 1, 2010
- (10) Town Council Weekly Digest – October 8, 2010

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).

TOWN COUNCIL MEETING NO. 800, SEPTEMBER 22, 2010

ROLL CALL

Mayor Toben called the meeting to order at 7:30 p.m. and led the Pledge of Allegiance. Ms. Howard called the roll.

Present: Councilmembers Maryann Derwin, John Richards and Ann Wengert, Vice Mayor Ted Driscoll and Mayor Steve Toben

Absent: None

Others: Angela Howard, Town Manager
Janet McDougall, Assistant Town Manager
Sharon Hanlon, Town Clerk
Sandy Sloan, Town Attorney
Howard Young, Public Works Director
Tom Vlastic, Town Planner
George Mader, Town Planning Consultant
Brandi de Garreaux, Sustainability and Resource Efficiency Coordinator
Ted Sayre, Town Geologist

ORAL COMMUNICATIONS [7:31 p.m.]

Sofie Vandeputte, Cervantes and Shawnee, voiced her concern for the safety of children biking and walking to and from Corte Madera School.

CONSENT AGENDA [7:32 p.m.]

By motion of Vice Mayor Driscoll, seconded by Councilmember Derwin, Items 2 and 3 were approved with the following roll call vote:

Aye: Councilmembers Maryann Derwin, John Richards and Ann Wengert, Vice Mayor Ted Driscoll and Mayor Steve Toben

No: None

(2) Ratification of Warrant List of September 22, 2010 in the amount of \$137,787.56

(3) Recommendation by Mayor – Town Manager Employment Agreement

(a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Approving and Authorizing Execution of Amendment No. 9 to the Town Manager Employment Agreement Between the Town of Portola Valley and Angela Howard (Resolution No. 2505-2010)

REGULAR AGENDA [7:35 p.m.]

(1) Minutes of Regular Town Council Meeting of September 8, 2010 [*Removed from Consent Agenda*]

By motion of Councilmember Richards, seconded by Vice Mayor Driscoll, the minutes were approved as amended 5-0.

- (4) Public Hearing – Modifications to Resolution 2279-2006; Amendments to the Zoning Ordinance relating to Geologic Provisions; Proposed Negative Declaration pursuant to CEQA
 - (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Approving and Adopting “Geologic Map” and “Ground Movement Potential Map” and Establishing Land Use Policies for Lands Shown on Said Maps (Resolution No. 2506-2010)

By way of background, Mr. Mader said that Portola Valley adopted the Geologic Map in 1974, which dictated the General Plan because the Town chose to control distribution and density of development based largely on geology and slope. Guidelines for the maps provided a solid basis for most of the Town's major land use decisions over the past 36 years, during which time the Town Geologist has maintained and updated the maps. With the advent of GIS technology, the maps have been converted to provide more detail and to ease updating, a process that prompted review of the original resolution and related zoning provisions. New mapping in some areas, plus the discovery of an en echelon pattern of ground breakage along parts of the San Andreas Fault, have introduced some significant modifications.

To emphasize the fact that the public has had considerable opportunities for input, Mr. Mader noted that the Town Council first considered these topics at its October 28, 2009 meeting, after which the Planning Commission considered the matters at 10 noticed public hearings between November 2009 and June 2010. The Geologic Safety Committee endorsed the concept at its March 2009. According to Mr. Mader, a significant number of those who own properties along the several faults attended special meetings to which they were invited. Vice Mayor Driscoll and Mr. Sayre as well as the Town Planner, also participated in those meetings.

Mr. Sayre pointed out that conversion of the maps to digital format in AutoCAD files will not only make them easier to modify but also easier to use, in that color-coding facilitates identification of different geologic categories. The maps reflect various subdivision studies, such as the detailed geologic findings in the Blue Oaks Subdivision, and incorporate findings on other maps published since the original town mapping, including some developed by Stanford Professor Ben Page and the U.S. Geological Survey (USGS). Additional data has come in over the past several months as well, which Mr. Sayre said were used to tweak fault traces, primarily through the Westridge Hill area. A recent letter detailing those specific fault changes has been added as a recommendation for further modifications to the final maps.

The magenta zone is the PF Zone (potential fault rupture hazard zone around the San Andreas Fault). The zone has been changed from an arbitrary width of 200 feet to a zone reflecting recommended setbacks from fault traces in Town ordinances. These zones pinch and swell based on whether a fault trace is known, versus inferred or en echelon, which demands wider setbacks. As a result of the work done for the Blue Oaks Subdivision, the new maps also include an additional movement potential category. This is the PDF Zone, potential debris flow zone.

He explained that the old hand-painted maps, on which dotted or solid lines defined the boundaries of various movement potential categories, some areas – primarily in the region of the western hillsides – had some gaps in the boundary lines. That has been corrected, so that those areas are now enclosed.

Although printed versions of the map can be difficult to read, Mr. Mader indicated that large versions are available at Town Hall, and those with computers can enlarge the image to see details such as property boundaries. He explained six categories of changes in the regulations:

1. Until now, setbacks from faults have been shown on a separate zoning map. Now with more highly detailed mapping of faults on the Geologic and Ground Movement Potential Maps, it makes sense to show the setbacks directly on these maps instead, not only simplifying the process for users but avoiding any potential inconsistencies.
2. At this time, regulations relating to fault setbacks are divided between Resolution 1974 as amended and the Zoning Ordinance. Changes would consolidate all the regulations in the Zoning Ordinance.

3. Changes to the Zoning Ordinance incorporate recognition of an echelon ground breakage patterns discovered during geologic investigations made for the Town Center. These patterns also exist beyond the Town Center.
4. The Planning Commission considered at great length how to deal with existing nonconforming buildings within fault setbacks. The proposed revisions address buildings on a) fault traces, b) within fault setbacks, and c) across fault setback lines. Regulations have normally provided that the ability to remodel or replace a nonconforming building is determined by the percentage of damage or changes to the building's appraised value – typically 50%. To encourage owners to make buildings in earthquake fault setbacks safer, the Planning Commission has recommended excluding the cost of seismic upgrades from that calculation.
5. To address buildings in the vicinity of faults other than the San Andreas Fault, particularly parts of Westridge and an area northwest of the Alpine Tennis and Swimming Club, the regulations are essentially those that the Town Geologist follows when reviewing development. While these other faults appear inactive, Mr. Mader said, movement along the San Andreas Fault could trigger movement along these faults as well.
6. A significant change would reduce setback requirements for buildings other than single-family, single-story wood frame homes. To date, a setback of 125 feet from the fault has been required of buildings of two stories or for special uses other than single-family residences. Building code and construction standards have improved to the point that the Geologic Safety Committee is now convinced that such deep setbacks are no longer uniformly needed. Going forward, requirements will call for setbacks of 100 feet from the center line of the fault trace in both inferred fault and an echelon fault locations, while a properly designed structure in other areas may be approved for 50 feet from a known fault.

Vice Mayor Driscoll said that being in such close proximity to the USGS Western Headquarters and thus having many good geologists in the community proved helpful to the Geologic Safety Committee as well as in terms of public outreach efforts.

Councilmember Wengert asked about the extent to which other communities' standards incorporate inferred traces and an echelon patterns, assuming that data about these has emerged fairly recently. Mr. Sayre said wider setbacks in areas of inferred faults versus known faults are typical, but recognizing the existence of an echelon patterns is on the cutting edge. Mr. Mader pointed out that the larger areas of disruption associated with an echelon patterns dictate wider setbacks in those areas also.

Mayor Toben opened the public hearing.

Sheldon Breiner, Buckeye Court, chairs the Geologic Safety Committee. He asked whether there is an established procedure for handling any corrections or modifications to these maps once they have been adopted. Mr. Mader indicated that the Planning Commission has a procedure wherein a party can bring in a study that would typically be reviewed by the Town Geologist, oftentimes in concert with another geologist. This review may lead to a suggested change in the map, which the Planning Commission then considers and approves or denies. This procedure has been in effect for many years.

Robert Jack, Westridge Drive, said he wants to go on record as challenging the proposed resolution and regulations at this meeting and intends to contest it in the future. He said that instead of adding restrictions, the Town should focus on education. He said that he is concerned about the so-called potentially active fault traces. While they are present, the locations are not well-understood. In fact, they are not verified but inferred. Mr. Jack said that there has been no trenching on or near his property to determine where to place the abstract line. He said that with 42 question marks on the map, it is an inadequate basis to justify reducing buildable areas and reducing property values. He also is concerned that in the event of a burn-to-the-ground fire at his home (as opposed to ground movement damage), that Section 8 of this resolution would require him to pay for extensive and expensive geological testing plus seismic retrofitting. In addition, he considers 100-foot setbacks from potential traces to be arbitrary.

In response to Mayor Toben's request for clarification, Mr. Mader said that there is no requirement for the 100-foot setbacks from the faults that Mr. Jack referred to in the Westridge area. He said they don't show on the maps unless they are there for certain. The maps use the best information the Town has. Further, Mr. Mader explained that when a proposal comes in for something on or adjacent to one of those faults, often with minimal drilling, studies are made to verify the location. These are not new procedures. In terms of Mr. Jack's issue with Section 8 of the resolution, Mr. Mader said that there is no earthquake fault setback zone in the Westridge area.

Kirk Neely and Holly Myers, Portola Road, who also own the Spring Ridge property, submitted a letter that Mayor Toben summarized. They expressed concerns that the Town is taking steps that go well beyond the requirements of State law. They question the validity of the setback requirement with respect to the Trancos Trace, contending that they've found no evidence either of that fault trace or ground movement after trenching on their property, including the meadow. They also argue that the proposal to limit the size of non-habitable buildings within the fault zone to a maximum of 120 square feet is too severe.

Addressing some of the points raised by Mr. Neely and Ms. Myers, Mr. Mader indicated that State law establishes a minimum standard only, and that the Planning Commission wrestled with the issue of non-habitable buildings. Whatever the building – a workshop, garden shed, handcrafts studio, etc. – they concluded that people might be in it part of the time. Because most of the parcels along the San Andreas Fault in and around Portola Valley encompass an acre or more, the Planning Commission reasoned, most of them have places for such small buildings outside of the fault setback. It may be more difficult in the Wyndham area, where the lots are smaller.

Mayor Toben pointed out that the Trancos Trace and the Woodside Trace run parallel, generally southeast to northwest. The westerly trace is the Woodside Trace and the one on east is the Trancos Trace. Mr. Sayre explained the importance of the traces paralleling one another and how ground movement propagates to the surface. With two closely spaced traces, it is difficult to say which trace ruptures at the surface – as in the case of the 1906 earthquake, which was six miles deep. He said that there is evidence that both Woodside and Trancos traces have ruptured in the time period that the State defines for an active fault, which is the last 10,000-11,000 years.

Mr. Sayre said that as he understands it, after a fault investigation in the Neely/Myers meadow across the Trancos Trace found the ground unbroken for 5,000 years, it was recommended that the Trancos Trace be removed from the Town map. Soon thereafter, however, he said that the Trancos Trace was trenched in a fault investigation conducted at The Sequoias, where they found earth materials less than 10,000 years old. The consultant concluded that it was an active fault trace that exists approximately where it was mapped. Thus, the best available data have been used to determine the location of both traces on the proposed maps.

Councilmember Derwin asked whether residents such as Mr. Neely and Ms. Myers would be able to build a non-habitable structure the size they want on their property. Mr. Mader said no, not within the fault setback, but within a location outside it if the Town approves it.

Mr. Vlastic, noting that the Neely/Myers property encompasses 229 acres, said that because they applied for a building within the setback area in the meadow under current regulations, their application can be considered at the 1,800 square feet they want. However, he added, another issue that the Planning Commission is addressing as the application proceeds is the visual sensitivity of the meadow.

Mayor Toben closed the public hearing, bringing the matter back to the Council for further discussion.

As Town Council liaison to the Planning Commission, Councilmember Richards noted that he has spent a lot of time on the matter before the Council, finds their approach well-considered and reasonable, and favors approval.

Councilmember Wengert concurred with Councilmember Richards. Having started on the Planning Commission, she said she knows the degree of thoroughness applied, particularly to the maps. She finds the technology of the GIS maps phenomenal, and supposes Portola Valley is on the leading edge in applying it. She said that she is satisfied that the Neely/Myers concerns are based on complex issues specific to their property, and not the work the Planning Commission did on the Geologic and Ground Movement Potential Maps and the related regulations.

Councilmember Derwin said she is very comfortable with staff's recommendations. She said she is sympathetic to the Neely/Myers situation, but does not feel it is relevant to the matter before the Council.

Vice Mayor Driscoll said approval of the proposal will give Portola Valley a living, dynamic map that for the most part firms up what has been in place and accumulating for a long time. He said that he is very proud that Portola Valley has always been ahead of the curve on such issues.

Mayor Toben said that he concurs heartily with his colleagues, and expressed his appreciation to the Planning Commission for its rigorous work over many months, and the extraordinary support of the Town's planning team, particularly Mr. Mader. He also thanked Mr. Sayre, Vice Mayor Driscoll and Mr. Mader for the extra efforts they made to contact affected property owners and inform them early on, solicit input and factor all of that into the final product.

Vice Mayor Driscoll moved to approve the Negative Declaration concerning revisions to the Town of Portola Valley Geologic and Ground Movement Potential Maps and related changes to the zoning ordinance. Councilmember Richards seconded and the motion carried 5-0.

Councilmember Wengert moved to adopt a resolution of the Town Council of the Town of Portola Valley approving and adopting the Geologic and Ground Movement Potential Maps and establishing land use policies for lands shown on said maps (Resolution No. 2506-2010). Vice Mayor Driscoll seconded and the motion carried 5-0.

Councilmember Derwin moved for the First Reading of Title, Waive Further Reading, and Introduce an Ordinance of the Town Council of the Town of Portola Valley Amending Sections of and Adding Sections to Title 18 [Zoning] of the Portola Valley Municipal Code related to Geologic Matters (Ordinance No. ___), with the Second Reading of Amendment and Addition to Title 18 [Zoning] related to Geologic Matters scheduled for the October 27, 2010 Town Council meeting agenda. Councilmember Richards seconded and the motion carried 5-0.

(5) Discussion and Council Action – Filing of Unfunded Mandate Test Claim for requirements by the Regional Water Quality Control Board [8:15 p.m.]

Mr. Young explained that the State Water Board has mandated that all Bay Area cities implement new requirements for developing and enforcing a stormwater pollution prevention program. Because those efforts cost money, this is an attempt to obtain reimbursement from the State. All cities and counties participate in the program as a collaborative. New requirements include reducing trash, sending water to a sanitary treatment plant after the first rain (called "first flush"), and monitoring stormwater, chemicals, mercury and PCBs. The countywide program encourages all cities to file a test claim for reimbursement, because these are all unfunded mandates.

Accordingly, Mr. Young is asking the Town Council to direct staff, with the Town Attorney's assistance, to file this test claim with the Commission of State Mandates. Template documents are available.

Mayor Toben commended Mr. Young on his thorough, informative and well-written staff report.

Councilmember Wengert asked where there might be a chance of State funds being available.

Ms. Howard explained that every year, the Town applies for reimbursement of unfunded mandates; sometimes the funds come and sometimes they don't. However, this particular filing, she said, is intended not only to seek reimbursement but to send a message that communities can't afford to meet ever-increasing reporting standards and perform all of the additional work mandated.

In response to Councilmember Richards, Mr. Young said that in terms of water pollution activities, the Municipal Regional Permit (MRP) operates countywide, and includes all the cities in the county, to meet requirements. He estimates \$30,000 for Portola Valley to implement the new mandates.

Mayor Toben invited audience comments. There were none.

Councilmember Derwin and Vice Mayor Driscoll both said that they support filing the claim for reimbursement.

Councilmember Derwin moved to approve the filing of an Unfunded Mandate Test Claim for requirements imposed by the Regional Water Quality Control Board. Councilmember Wengert seconded and the motion carried 5-0.

- (6) Recommendation by Assistant Town Manager – Applications for Grant Funding through California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Bond Act of 2002 for possible Funding of Ford Field Improvements [8:20 p.m.]

Ms. McDougall said that she had little to add to the staff report, but noted that a subcommittee of the Parks and Recreation Committee has reviewed the information because the previous focus on major renovations to Ford Field has shifted to less extensive refurbishment on the basis of potential grant funding. She said that she had the impression that the reviewers felt enthusiastic that the new direction makes good sense. If the Town Council authorizes submitting the grant applications, she said, staff also requests authorization to prepare an RFP to identify a firm to prepare drawings if the grant is approved. This would facilitate getting a recommendation to the Town Council as soon as possible. In response to Mayor Toben, Ms. McDougall said that design work might run about \$40,000, but no RFP will be released until and unless the grant funding is approved. Ms. Howard said that no formal action on the part of the Council is needed to do an RFP.

Vice Mayor Driscoll asked whether obtaining the grant funding would limit the Town to the specific amount awarded to refurbish Ford Field. Ms. McDougall said that the grant money could apply toward more extensive improvements.

Considering State finances, Councilmember Wengert asked about the likelihood of these sources of funding coming through. Ms. McDougall indicated that the State has gone back and forth regarding the availability of the grant funds, but a spokesperson for the State advised that the funds should be available and the State is eager to distribute these funds to cities as soon as possible. She also pointed out that the funding would be a reimbursement grant, so Portola Valley would have to pay for the improvements and then receive reimbursement for the amount the State awards.

Mayor Toben invited audience comments. There were none.

Vice Mayor Driscoll moved to authorize staff to apply for grant funding for possible Ford Field Improvements through California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Bond Act of 2002. Councilmember Richards seconded and the motion carried 5-0.

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS [8:30 p.m.]

- (7) Discussion and Council Action – Recommendation by the Trails and Paths Committee
 - (a) Proposed change to Trails and Paths Committee Charter

(b) Process for Recruitment and Appointment to the Trails and Paths Committee

Mayor Toben referred to the extensive, wide-ranging public comment on this topic at the September 8, 2010 Town Council meeting, noting that he believed everyone benefited a great deal from it. The Trails and Paths Committee worked on revising the draft charter at its September 14, 2010 meeting, which Mayor Toben and Vice Mayor Driscoll both attended. Trails and Paths Committee Chair Susan Gold presided at that meeting. He indicated that she and other Committee members who participated in the discussion are in the audience tonight. Tonight's speakers, he said, should focus specifically on the language of the revised charter and limit remarks to two minutes.

Councilmember Wengert noted on the documents provided that the Committee, under the Coordinates with section, indicates that the Committee determined that "Other Town Staff and other Committees, as needed" was superfluous and could be eliminated. Some of that activity is ongoing, Councilmember Wengert said, wondering about the reasoning behind that decision. Vice Mayor Driscoll, who attended that meeting, also said he did not understand that recommendation, particularly in light of the objective of being more inclusive rather than more exclusive. He said he would favor going back to the original draft charter language on that point.

Ms. Gold, Pine Ridge Way, said that she also wanted to leave that language in but other Committee members wanted it taken out because it was superfluous verbiage, and that of course they would be coordinating with other committees.

In response to Councilmember Derwin, Ms. Howard indicated that the ideal number of Trails and Paths Committee members is nine, but there is no minimum.

Carlin Hansen, Portola Road, said that he sees the Town Council and the Trails and Paths Committee as being divided, taking sides, and doesn't understand why. He said that if he were on the Town Council, he would beg the applicants for Committee membership to serve on the Committee. Mr. Hansen also said that he does not see the diversity that the Council wants on the Committee on the Council itself, and suggested that one need not be a jogger, a hiker or a bicyclist to put oneself in a position to consider those viewpoints. He also said that Mr. Young and his crew deserve credit for trail maintenance for the horses.

Under the "Membership" heading in the revised draft charter, Catherine Siegel, Saddleback, Portola Valley Ranch, suggested adding "as far as possible" after "the broad diversity of the trail user community." She said that while it would be great to have representation of groups who use the trails in different ways on the Committee, having a functioning committee is more important. If not enough people come forward to serve who represent the diversity desired, she said that Committee members can look at trail use from different perspectives. She also suggested not requiring the chair position to rotate annually, because committee leaders need experience and expertise, particularly when the committee has a lot of new people on it. Mayor Toben pointed out that annual rotation of the chair is standard among all Town committees.

Ms. Gold, referring to "Coordinates occasional work days," point 7 under Duties and Functions, suggested adding the phrase "with the approval and under the supervision of Town staff." Mayor Toben said it's a good idea because some oversight is appropriate.

Ray Villareal, Meadowood Drive, said that he very much supports the objectives that Mayor Toben laid out in the *Almanac* article in terms of balanced representation of various types of trail users on the Trails and Paths Committee. He would like to add a goal of actually encouraging the use of the trails, because as he reads it, the attention is on maintenance and monitoring but not encouraging their use. He considers the trails "a good benefit that brings us all together," and particularly as it relates to children, Mr. Villareal – who also serves on the Portola Valley School District Board of Trustees – pointed out that the schools are trying to get more of their 720 students walking, biking and carpooling to and from school.

Mayor Toben said that he has been thinking of an addition to the draft charter such as Mr. Villareal described. He recommends point 8 under Duties and Functions that reads, "Encourages activities that promote the enjoyment of trails by diverse users." At the suggestion of Lee Berger, Portola Road, Mayor Toben revised his recommended language to say "...the safe enjoyment of trails..."

A resident of Mountain View (name inaudible), recommended adding something about education in using the trails. Mayor Toben referred her to point 6 under Duties and Functions – "Coordinates educational programs on trail use safety for the community."

Mary Ann Agosti, Paloma Road, said that she is concerned when the horses and the bicycles get together it will be like going the wrong way down a one-way street. She reported rude comments and attitudes from bicyclists she encounters when riding her horse on the trails "all the time." She is particularly concerned about bicyclists who come from outside Portola Valley – Cupertino, Sunnyvale, Redwood City. Portola Valley residents pay taxes to live in this pristine area, she said, and "they just come out here and tell you where to go."

Ronnie Eaton, Folkstone Avenue, San Mateo, asked how people are made aware of Town committees and how they can serve. She also asked why those who have applied to become members of the Trails and Paths Committee have not been appointed. On the latter question, Mayor Toben explained, about mid-summer the need became apparent to revisit the purposes and scope of the Committee before appointing new members. On the basis of the changes being discussed, the Town can publicize openings on the Committee and invite people to apply. The existing Committee members will have the opportunity to interview applicants, and the Town Council will review the applications. Appointments will be based on what the Committee will offer as a broad set of functions and tasks. He said the Town Council is eager to fill the positions on the Committee and to re-energize the Committee with a full complement of nine members who will undertake a lot of exciting new activities.

Teresa Coleman, Sioux Way, asked that language be inserted that indicates the purpose of the trails is not only to provide passageway but to access the special environment that we share in Portola Valley. Mayor Toben responded that at the Committee meeting last week, the language referencing the General Plan – which embodies all of the principles Ms. Coleman described – was added as a clause at the end of the objectives paragraph. (The end of that paragraph reads, "It is the Trails Committee's objective that these trails are safe and pleasant and that they provide access to all parts of the Town – especially our schools, as well as the Library and Town Center, and to areas of scenic beauty.")

Ms. Eaton pointed out that one applicant for a vacancy on the Committee is not only an equestrian but also a mother, jogger and dog-walker. She is concerned that those other interests are not being looked at equitably because she is an equestrian.

Mayor Toben closed the public comment period, bringing the matter back to the Council for further discussion.

Vice Mayor Driscoll reiterated his earlier recommendation that "Other Town Staff and other Committees, as needed" remain in the charter under the Coordinates With heading.

Councilmember Wengert said that Ms. Gold has been working with the Ad Hoc Spring Down Committee on a trail system for that area, and the time seems appropriate for the Trails and Paths Committee to be a part of that discussion. As Councilmember Wengert sees it, this is more an opportunity than a limitation. The Trails and Paths Committee might also work with the Safe Routes to Schools and other committees in the future. Although she said she would leave it to the Committee to decide, she agreed with Vice Mayor Driscoll that the language should remain. Aside from that, she said that the Committee's changes to the initial draft charter were good ones that improve the document.

Mayor Toben brought attention to proposed changes previously discussed.

- Revise the Objectives statement's last sentence to read: "It is the Trails Committee's objective that these trails be safe and pleasant and that they provide access to all parts of the Town – including our schools, the Town Center and areas of scenic beauty as consistent with the General Plan."
- Expand Duties and Functions section point 7 to read: "Coordinates occasional volunteer trail work days with the approval and under the supervision of Town staff."
- Add point 8 to the Duties and Functions section to say: "Encourages activities that promote the safe enjoyment of trails by diverse users."
- Restore "Other Town Staff, Town Committees as needed" to the Coordinates With section.

Vice Mayor Driscoll moved to approve the draft of the Trails and Paths Committee Charter, as amended. Councilmember Richards seconded and the motion carried 5-0.

Moving on to the process for selecting Trails and Paths Committee members, Mayor Toben explained that the Mayor is responsible for appointing members of all Town committees, with concurrence of the Town Council. As he indicated in his September 16, 2010 memorandum to the Town Council regarding the Trails and Paths Committee in particular, he outlined the following process:

- 1) Advertise vacancies on the Committee and solicit applications (over the next month for upcoming appointments)
- 2) Trails and Paths Committee interviews applicants (for upcoming appointments, this will take place during the Committee's November 9, 2010 meeting; if the three candidates who applied previously – and have been interviewed – remain interested, they may be re-interviewed along with any additional applicants)
- 3) Trails and Paths Committee reaches consensus on candidate(s) and forwards to Town Council for approval (if no consensus, submits differing viewpoints on candidate(s) to Council)
- 4) Mayor, Vice Mayor and Town Manager interview candidate(s) proposed and discuss at Town Council meeting (December 8, 2010 for upcoming appointments)

Mayor Toben explained that current members of the Trails and Paths Committee who want to serve on the Committee next year will be asked to submit statements (by November 1, 2010) saying why they want to stay. He, Vice Mayor Driscoll and Ms. Howard will interview interested incumbents during November. Again, Mayor Toben said, the intention is to achieve to the extent possible a diverse, robust, vibrant roster of Committee members, and to be thorough, transparent and candid about the process. Clarifying in response to a question from Commissioner Derwin, Mayor Toben said that current Committee members will be sitting on both sides of the table – as interviewers and interviewees.

Councilmember Wengert questioned the robustness of the process in terms of the Trails and Paths Committee in particular, concerned that this Committee is being singled out as a "problem committee." Mayor Toben said that has been given considerable thought, and believes that this case presents special circumstances, given the number of vacancies, the need to diversify the composition and other pertinent factors. Councilmember Wengert noted that two other committees also face challenging circumstances – not the same as the Trails and Paths Committee but nonetheless challenging – and may require particularly robust selection processes as well. She wants the Trails and Paths Committee to understand that other committees also will require tweaking processes to address their particular issues.

Mayor Toben invited comments from the public.

Chris Cooper, Martinez Road, Woodside, who serves on Woodside's Trails Committee, asked if instead of two interview sessions – one of them private – with applicants and incumbents, the Mayor, Vice Mayor and Town Manager might conduct interviews during the Trails and Path Committee's November 9 meeting.

Barbara Stogner, Redwood Shores, serves as president of San Mateo County Horsemen's Association. She asked where to find applications for committee membership. Applications are available online and at the front desk, Mayor Toben explained.

Jeanette Hansen, Portola Road, said that she feels the Committee has been singled out. She asked when advertising for applicants will begin. Although it would be good to have a lot of people with diverse interests apply to serve on the Committee, she said that has not happened with vacancies in the past. Ms. Howard indicated that six applications have been submitted already. In response to her observation that those who previously applied would be interviewed again, Mayor Toben said that decision would be up to the incumbent members of the Committee. He also said that advertising for additional applicants would begin right away.

Mike Bushue, Semeria Avenue, Belmont, who boards his horses in the east end of Portola Valley (Webb Ranch) said he finds it interesting that the incumbents need to be vetted again. While it may be a simple process of expressing their interest, he asked what types of things might prevent reinstating an incumbent who wants to remain on the Committee. Mayor Toben said that the simple answer is that we're trying to build a team with good representation across a variety of experiences and interests, and will see what that yields in the way of a mix.

Rebekah Witter, Montelena Court, Woodside, asked whether all of the incumbents' terms expire this month. Mayor Toben responded that members of all committees have terms of one calendar year, starting on January 1.

Ms. Eaton requested clarification on who does the interviewing. Mayor Toben indicated that the Trails and Paths Committee will interview applicants at its meeting on November 9. The Committee, if it reaches consensus, will refer its slate to the Town Council. The Mayor, Vice Mayor (as the incoming Mayor) and Town Manager will conduct separate interviews of the candidates the Committee recommends.

Mr. Villareal suggested that since a number of new people will be serving on the Committee and there is a vision of what the Trails and Paths Committee should be, it might make sense in soliciting applications to make that vision clear – inclusive, cohesive, representative. He said that how the positions are advertised may determine who and how many apply.

Ms. Stogner said that she would email the 600 members of the San Mateo County Horsemen's Association and encourage any who live in Portola Valley to apply. She requested a copy of the guidelines the Town will use in its advertising to include with her email.

Mayor Toben closed the public comment period and brought the matter back to the Council.

Councilmember Richards, addressing the issues of two interviews and public-versus-private interviews of candidates, said that he thinks the single meeting interviews is a good idea. Vice Mayor Driscoll, indicating that he intends to go to the November 9 Trails and Parks Committee meeting, said in the past, he has noticed in interviewing potential members of ASCC and the Planning Commission that it can be difficult to get to know people and ask them questions in a public forum. Accordingly, he said that he is comfortable with the process that Mayor Toben presented.

In response to Councilmember Derwin, Mayor Toben said that the Town Council has veto power. The Mayor's appointment of each member of each committee requires the Council's concurrence. The Mayor will make recommendations, but the Town Council may go in any direction at its December 8 meeting based on input from the Trails and Paths Committee as well as the Mayor/Vice Mayor/Town Manager

panel and members of the audience. Mayor Toben said that he is very committed to equal treatment of potential appointees and fairness to all throughout this process.

Councilmember Wengert moved to approve the process outlined by Mayor Toben for recruitment and appointment to the Trails and Paths Committee. Councilmember Derwin seconded and the motion carried 5-0.

(8) Discussion and Council Action – Review the Paperless Agenda Packet for Town Council Meetings [9:20 p.m.]

Ms. Hanlon recommended that the Town Council take the last remaining steps to implement a paperless packet, including choosing equipment, deciding whether to make the Schoolhouse WiFi-enabled and adopting an e-communications policy.

Expressing appreciation for the straightforward, well-written proposal, Mayor Toben invited Council questions and comments.

In response to Councilmember Derwin, Ms. de Garneau said that Portola Valley's biggest cost savings in implementing the paperless packet process probably will be in staff time, which Ms. Hanlon estimated as "a good day."

In response to Councilmember Wengert, Ms. Howard indicated that \$16,000 is budgeted for the equipment, which she expects should also cover WiFi enablement. She added that it is important to have a policy regarding the use of electronic devices during meetings, noting that Redwood City's policy may serve as a good model.

Discussion of elements of e-communications policy included use of electronic devices during meetings, such as no side conversations and no personal business (exclusive of family emergencies).

Mayor Toben said that the Redwood City policy seems to prohibit the use of iPads. Ms. de Garneau explained that the language should be clarified, because while internet access is needed to download the packet, once that is done, the internet connection is no longer necessary. Mayor Toben said that the Town Attorney would be asked to draft a policy.

Ms. de Garneau said that because there was a problem with Firefox opening large PDF files, a protocol has been established to 1) keep file size to a minimum; 2) test packet downloads on four different browsers and 3) place a notice on the website advising users to use Internet Explorer or Safari for large files and how to do a workaround if there are problems downloading a file. Vice Mayor Driscoll suggested that users have the option of separate files for downloading each of the agenda items in addition to the single composite PDF file.

In response to Councilmember Wengert, Ms. de Garneau said that WiFi enablement is intended to some extent as a public convenience, because there are no portals for flash drives on iPads and the workaround is very complicated.

In terms of equipment preferences, Mayor Toben enumerated three options: iPads, Town-furnished laptops or personal laptops. Vice Mayor Driscoll said there are really two questions, the first being whether the Town should provide the equipment. Questioning whether it is necessary for everyone to use the same platform, Councilmember Wengert said that she is perfectly comfortable using her own PC. Mayor Toben said he feels the same, although he suggested that under certain circumstances, it would be good to have backup units available in case someone's computer crashes, because it is essential that Town Council members have the text of the packets when they come to meetings. Councilmember Richards said that there is an argument to be made for having the equipment on hand at meetings.

Summarizing, Mayor Toben said that the Town should acquire iPads for use of Vice Mayor Driscoll and Councilmembers Derwin and Richards, while he and Councilmember Wengert are comfortable with their own equipment. Ms. de Garmeaux confirmed that the budgeted amount will accommodate the three iPads. Ms. Hanlon said that she will bring a hard copy for those who need them until the equipment is in place and everyone is comfortable with it. Councilmember Wengert suggested that closed session and Council-only documents be available as password-protected files.

The Council agreed to proceed with the WiFi enablement. Mr. Young said that he may be able to get the work done for less than \$5,500 – perhaps closer to \$3,500 – because his original estimate was based on getting a signal from Town Hall. Trenching to about 100 feet out, wiring and conduit installation also will be required.

(9) Reports from Commission and Committee Liaisons [9:45 p.m.]

(a) Planning Commission

Councilmember Richards reported that the Planning Commission approved several conditional use permits for wireless facilities for TowerCo, AT&T and Verizon, and continued the Neely/Myers CUP application.

(b) Teen Committee

Councilmember Wengert said that the Teen Committee is working on a reconfigured “Sharing the Bounty” project for next year, and is planning the next movie night and the next dance. An enthusiastic, fun group, the Teen Committee also voted to approve a new applicant, Kate Putnam, at its September 12, 2010 meeting.

(c) Finance Committee

Councilmember Wengert said that at its September 20, 2010 meeting, the Finance Committee met to discuss materials Ms. Howard put together on a healthcare benefits survey and the Town's law enforcement contract with the San Mateo County Sheriff's Department. In regard to the survey, Committee member Bill Urban spearheaded the group to review other communities' benefits. Ms. Howard provided excellent comparative data that suggested that while Portola Valley's plan is fair, plans in surrounding communities tend to be richer. In terms of retiree healthcare benefits in particular, many municipalities are facing funding problems with these richer plans. The Finance Committee also will be reviewing data from the private sector.

According to Councilmember Wengert, an item that may come back to the Town Council in regard to law enforcement may concern the additional officer that had been funded principally by COPS (Citizens' Option for Public Safety). She explained that over time, the gap has increased between the cost for that additional officer and the COPS funding.

(d) Parks and Recreation Committee

Councilmember Wengert said that the Parks and Recreation Committee cancelled its meeting due to lack of a quorum.

(e) Library JPA

Councilmember Derwin reported that Library JPA approved the budget for Fiscal 2010-2011 and heard an organization review report that included a detailed staffing assessment for optimizing resources. The Woodside Library will close for a major renovation from January through March. This year's “One Book, One Community” event on October 7, 2010, will feature Michael Chabon, author of *The Amazing Adventures of Kavalier and Clay*.

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

Councilmember Derwin reported that California Legislative Analyst Mac Taylor provided a brilliant State budget overview at the September 16, 2010 C/CAG meeting. He talked about the State's fiscal situation – how we got here and what we can do about it. She said it was the most nuanced explanation she's ever heard. Councilmember Derwin said that C/CAG's Legislative Committee has taken positions in support of Measure M and Proposition 22 and opposition to Proposition 23 and 26.

In addition, C/CAG members discussed the Grand Boulevard Corridor Initiative, including a template and a toolbox covering plans for revitalizing all of El Camino Real and 12 cities along that corridor. Councilmember Derwin also noted that C/CAG Chair Tom Kasten closed the meeting with a remembrance of the San Bruno fire.

(g) (ASCC) Architectural and Site Control Commission

Councilmember Derwin reported that the ASCC reviewed Neely/Meyers project at its September 13, 2010 meeting, after having gone on a field trip to the property. It also discussed the proposed Cooper family "train room" project on the property at 385 Westridge Drive and the Dillon project on 10 Grove Drive.

Noting that two ASCC members recused themselves on more than one occasion, Councilmember Derwin pointed out that a member of the audience expressed concerns about needing the full five-member body to consider items. Councilmember Derwin also reported that ASCC received a report regarding the Sports Court/Hockey Rink Roof at 610 Los Trancos Road. (Mr. Vlastic's letter to the City of Palo Alto's Department of Planning and Community Environment is in the Weekly Digest of September 17, 2010.)

(h) Sustainability Committee

Councilmember Derwin said that the Sustainability Committee meeting was cancelled due to lack of a quorum.

(i) Cultural Arts Committee

Councilmember Derwin said that she missed the Cultural Arts Committee's meeting, but Ms. Howard attended.

(j) Trails and Paths Committee

Vice Mayor Driscoll reported that the Trails and Paths Committee, even with several vacancies, is doing functional work, including reviewing and approving a revised charter at its last meeting. He also said that the back part of the Berger Trail has been completed.

(k) Firewise Advisory Committee

Mayor Toben said that the Firewise Advisory Committee, which met on September 21, 2010, continues to actively look at ways to improve our fire readiness. He said that he and Councilmember Wengert were among the 75 people – including a number from Cal Fire – who attended a UC Berkeley professor's excellent presentation on fire history and lessons learned. It was held September 15 in the Community Hall. The Home Ignition Zone workshop is scheduled for Friday, October 8, 2010, and 12 people have signed up already.

WRITTEN COMMUNICATIONS [10:10 p.m.]

(10) Town Council 9/10/2010 Weekly Digest

- (a) #1 – Letter to the Honorable Anna Eshoo from Steve Toben regarding H.R. 5766 – September 1, 2010

Mayor Toben said that he appreciated Ms. de Garmeaux's assistance in preparing the letter.

(11) Town Council 9/17/2010 Weekly Digest

- (a) #1 – Letter to Council from The Firewise Advisory Committee regarding a one-day workshop entitled "Assessing Wildfire Hazards in the Home Ignition Zone" on Friday, October 8, 2010

Ms. Howard said that the Town Council is invited.

- (b) #2 – Letter to Maryann Derwin from ICLEI regarding the Town of Portola Valley receiving an ICLEI Sustainability Leadership Award

Councilmember Derwin said that she would be in Washington, D.C., on Saturday, September 25, 2010 to accept the 2010 Sustainability Leadership Award from ICLEI – Local Governments for Sustainability (International Council for Local Environmental Initiatives).

CLOSED SESSION: [10:12 p.m.]

(12) Conference with Legal Counsel – Anticipated Litigation

Government Code Section 54956.9(b)
Significant Exposure to Litigation: T-Mobile appeal Golden Oak Drive and Peak Lane
Government Code Section 54956.8
Property: Parcel # 076-261-010, 900 Portola Road

REPORT OUT OF CLOSED SESSION

None to report

ADJOURNMENT: [11:15 p.m.]

Mayor

Town Clerk

TOWN COUNCIL MEETING NO. 801, SEPTEMBER 29, 2010

ROLL CALL

Mayor Toben called the meeting to order at 7:05 p.m. and Town Manager Howard called the roll.

Present: Councilmembers Maryann Derwin, Ann Wengert, Vice Mayor Ted Driscoll and; EPC members John Boice, Anne Kopf-Sill, Marianne Plunder and Craig Taylor

Absent: Councilmember Richards and EPC members David Howes, Derry Kabcenell, Chair Chris Raanes and Ray Rothrock

Guests: San Mateo County Office of Emergency Services Supervising District Coordinator, Bill O'Callahan and District Coordinator, Jeff Norris

ORAL COMMUNICATIONS

Two videos on fire safety were shown, narrated by Charlie Krenz of the Los Trancos County Water District (LTCWD) Fire Safety Committee. The first video gave an overview of recent accomplishments and cost sharing programs in fire safety, the second video covered problems that can occur by flaming embers blown into the district from a distant fire.

REGULAR AGENDA [7:16 p.m.]

Emergency Operations Center (EOC) – Overview of Radio Communications, Quick Start Cards, “Go Bags” and discussion of Emergency Preparedness/Emergency Response.

Emergency Preparedness Committee member, John Boice, reviewed the progression of radio communications in the event of an emergency. The sequence is as follows; Neighborhood Leader radios from their Neighborhood Operations Center to the CERPP Division Operations Center who radios to the EOC at Town Hall. In the event of an emergency, the CERPP Division radios are the primary means of communication to the EOC.

Committee member, Anne Kopf-Sill, reviewed the provided Quick Task Cards. The purpose of these cards is to help define the steps to take in the event of a large scale disaster such as an earthquake. They are to be used by Town Staff, Town Council and the Emergency Preparedness and Public Works Committee members. Copies of the Quick Task Cards will be in the “Go Bags” as well as a laminated set that will reside in the EOC. The Emergency Preparedness Committee will review and make any necessary changes to the Quick Task Cards which will be brought to the Council annually.

Information on EOC division stations and their role, EOC operation overview and a guide to the EOC reference binders were also provided.

Town Manager, Angela Howard, handed out to each attending Councilmember and Committee member a “Go Bag”. Go Bags contain basic emergency supplies, optional personal items and Quick Task Cards that EOC staff will keep nearby in the event of an emergency. The Council, Emergency Preparedness Committee members and Town Staff will receive a “Go Bag”.

Mayor Toben said a lot of effort has gone into this presentation and that the Emergency Preparedness Committee has done an outstanding job.

Comments and questions that came out of this meeting are: 1) quick start card #7 should reflect that the janitorial closet in Town Hall has a key cabinet containing keys to the facility. A suggestion that a key log

be made available to track keys that are distributed; 2) clarify the liability of a medical volunteer; 3) questioned if the Town Manager can deputize a person to be a structural engineer; (4 concern for CERPP divisions that need strengthening; 5) question if there is sufficient infrastructure in CERPP Central; 7) review current ordinance and succession of Director of Emergency Services if no staff or Council members are available.

ADJOURNMENT: 8:22 p.m.

Mayor

Town Clerk

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

ACCENT PAINTING	Town Center windows & frames	11251	10/13/2010	
			10/13/2010	
879 SOUTH "L" STREET	835		10/13/2010	
LIVERMORE	BOA	43948	10/13/2010	0.00
CA 94550	1			14,945.00

GL Number	Description	Invoice Amount	Amount Relieved
05-66-4340	Building Maint Equip & Supp	9,963.00	0.00
05-66-4341	Community Hall	4,982.00	0.00

Check No.	43948	Total:	14,945.00
Total for	ACCENT PAINTING		14,945.00

ACTION SIGN SYSTEMS INC	Installation of Leed Awards	11212	10/13/2010	
			10/13/2010	
1200 INDUSTRIAL ROAD	0270		10/13/2010	
SAN CARLOS	BOA	43949	10/13/2010	0.00
CA 94070-4129	18914			655.64

GL Number	Description	Invoice Amount	Amount Relieved
05-66-4341	Community Hall	218.54	0.00
05-68-4420	Town Center Construction	437.10	0.00

Check No.	43949	Total:	655.64
Total for	ACTION SIGN SYSTEMS INC		655.64

MIKE & PATTI AGOFF	Fall Instructor Fees	11240	10/13/2010	
			10/13/2010	
2341 KEHOE AVENUE	0016		10/13/2010	
SAN MATEO	BOA	43950	10/13/2010	0.00
CA 94403				5,808.00

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4246	Instructors & Class Refunds	5,808.00	0.00

Check No.	43950	Total:	5,808.00
Total for	MIKE & PATTI AGOFF		5,808.00

ALLIANT INSURANCE SERVICES	3rd Quarter Insurance Premium	11241	10/13/2010	
			10/13/2010	
SPECIAL EVENTS	475		10/13/2010	
NEWPORT BEACH	BOA	43951	10/13/2010	0.00
CA 92658				1,363.37

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4338	Event Insurance	1,363.37	0.00

Check No.	43951	Total:	1,363.37
Total for	ALLIANT INSURANCE SERVICES		1,363.37

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State/Province Zip/Postal	Invoice Number			Check Amount

ALMANAC	September Advertising	11252	10/13/2010	
			10/13/2010	
PO BOX 1610	0048		10/13/2010	
MENLO PARK	BOA	43952	10/13/2010	0.00
CA 94302				464.00

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4320	Advertising	464.00	0.00

Check No.	43952	Total:	464.00
Total for	ALMANAC		464.00

ALPINE MOTORS INC	September Fuel	11253	10/13/2010	
			10/13/2010	
115 PORTOLA ROAD	422		10/13/2010	
PORTOLA VALLEY	BOA	43953	10/13/2010	0.00
CA 94028				363.97

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4334	Vehicle Maintenance	363.97	0.00

Check No.	43953	Total:	363.97
Total for	ALPINE MOTORS INC		363.97

AMERICAN PLANNING ASSOCIATION	APA Member Renewal Dues	11227	10/13/2010	
			10/13/2010	
LOCK BOX 4291	0003		10/13/2010	
CAROL STREAM	BOA	43954	10/13/2010	0.00
IL 60197-4291	119364-100801			310.00

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4322	Dues	310.00	0.00

Check No.	43954	Total:	310.00
Total for	AMERICAN PLANNING ASSOCIATI		310.00

ANIMAL DAMAGE MGMT INC	September Pest Control	11236	10/13/2010	
			10/13/2010	
16170 VINEYARD BLVD. #150	804		10/13/2010	
MORGAN HILL	BOA	43955	10/13/2010	0.00
CA 95037	47907			310.00

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

Check No.	43955	Total:	310.00
Total for	ANIMAL DAMAGE MGMT INC		310.00

ARROWHEAD MT SPRING WATER	September Statement	11254	10/13/2010	
			10/13/2010	
P.O. BOX 856158	463		10/13/2010	
LOUISVILLE	BOA	43956	10/13/2010	0.00
KY 40285-6158	0015743876004			214.10

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4336	Miscellaneous	214.10	0.00

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State/Province Zip/Postal	Invoice Number			Check Amount

Check No.	43956	Total:	214.10
Total for	ARROWHEAD MT SPRING WATER		214.10

AT&T	September M/W	11255	10/13/2010	
PO BOX 989048	441		10/13/2010	
WEST SACRAMENTO	BOA	43957	10/13/2010	0.00
CA 95798-9048				65.61

GL Number	Description	Invoice Amount	Amount Relieved
05-52-4152	Emerg Preparedness Committee	65.61	0.00

Check No.	43957	Total:	65.61
Total for	AT&T		65.61

AYSO	Deposit Refund	11226	10/13/2010	
1009 WILMINGTON WAY	0260		10/13/2010	
EMERALD HILLS	BOA	43958	10/13/2010	0.00
CA 94062				250.00

GL Number	Description	Invoice Amount	Amount Relieved
05-56-4226	Facility Deposit Refunds	250.00	0.00

Check No.	43958	Total:	250.00
Total for	AYSO		250.00

BANK OF AMERICA	September Charges	11228	10/13/2010	
Bank Card Center			10/13/2010	
P.O. BOX 53155	0022		10/13/2010	
PHOENIX	BOA	43959	10/13/2010	0.00
AZ 85072-3155				1,557.02

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4308	Office Supplies	9.99	0.00
05-64-4326	Education & Training	725.10	0.00
05-64-4327	Educ/Train: Council & Commissn	45.00	0.00
05-64-4335	Sustainability Series	475.00	0.00
05-64-4336	Miscellaneous	301.93	0.00

Check No.	43959	Total:	1,557.02
Total for	BANK OF AMERICA		1,557.02

BAY AREA PAVING CO	Final Pmt for Paving Project	11242	10/13/2010	
P.O. BOX 6339	567		10/13/2010	
SAN MATEO	BOA	43960	10/13/2010	0.00
CA 94403	C46-261			11,500.00

GL Number	Description	Invoice Amount	Amount Relieved
75-00-4375	General Expenses	11,500.00	0.00

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

BAY AREA PAVING CO	Woodside Highlands M.D.	11273	10/13/2010	
			10/13/2010	
P.O. BOX 6339	567		10/13/2010	
SAN MATEO	BOA	43960	10/13/2010	0.00
CA 94403				4,000.00

GL Number	Description	Invoice Amount	Amount Relieved
90-00-4375	General Expenses	4,000.00	0.00

Check No.	43960	Total:	15,500.00
Total for	BAY AREA PAVING CO		15,500.00

MARGARET H BLAIR	Refund Building Permit Fees (Valuation Adjusted)	11235	10/13/2010	
			10/13/2010	
219 WYNDHAM	851		10/13/2010	
PORTOLA VALLEY	BOA	43961	10/13/2010	0.00
CA 94028				808.67

GL Number	Description	Invoice Amount	Amount Relieved
05-56-4228	Miscellaneous Refunds	808.67	0.00

Check No.	43961	Total:	808.67
Total for	MARGARET H BLAIR		808.67

KYLA BLOOMQUIST	Refund Litter Deposit	11274	10/13/2010	
			10/13/2010	
394 EL CERRITO AVENUE	581		10/13/2010	
REDWOOD CITY	BOA	43962	10/13/2010	0.00
CA 94061				100.00

GL Number	Description	Invoice Amount	Amount Relieved
05-56-4226	Facility Deposit Refunds	100.00	0.00

Check No.	43962	Total:	100.00
Total for	KYLA BLOOMQUIST		100.00

CAL WATER SERVICE CO	Statements, 8/13 - 9/14	11243	10/13/2010	
			10/13/2010	
3351 EL CAMINO REAL	0035		10/13/2010	
ATHERTON	BOA	43963	10/13/2010	0.00
CA 94027				7,149.80

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4330	Utilities	7,149.80	0.00

Check No.	43963	Total:	7,149.80
Total for	CAL WATER SERVICE CO		7,149.80

CALIFORNIA BLDG STANDARDS COMM	BSC Fee Report, July - Sept	11256	10/13/2010	
			10/13/2010	
2525 NATOMAS PARK DRIVE	458		10/13/2010	
SACRAMENTO	BOA	43964	10/13/2010	0.00
CA 95833				263.70

GL Number	Description	Invoice Amount	Amount Relieved
05-56-4224	BSA/SMIP Fees	263.70	0.00

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

Check No.	43964	Total:	263.70
Total for	CALIFORNIA BLDG STANDARDS C		263.70

CASCADIA CONSULTING GROUP	Waste Management Consultants	11244	10/13/2010	
1109 FIRST AVENUE	1041		10/13/2010	
SEATTLE	BOA	43965	10/13/2010	0.00
WA 98101	1547			360.00

GL Number	Description	Invoice Amount	Amount Relieved
05-54-4212	Waste Management Consultants	360.00	0.00

Check No.	43965	Total:	360.00
Total for	CASCADIA CONSULTING GROUP		360.00

CITY OF PACIFICA	Dinner Meeting - Derwin	11258	10/13/2010	
ATTN: KATHY O'CONNELL	764		10/13/2010	
PACIFICA	BOA	43966	10/13/2010	0.00
CA 94044				40.00

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4327	Educ/Train: Council & Commissn	40.00	0.00

Check No.	43966	Total:	40.00
Total for	CITY OF PACIFICA		40.00

CLEANSTREET	Qtr & Sept Street Sweep & Lit	11257	10/13/2010	
1937 W. 169TH STREET	0034		10/13/2010	
GARDENA	BOA	43967	10/13/2010	0.00
CA 90247-5254	61738			4,187.76

GL Number	Description	Invoice Amount	Amount Relieved
20-60-4262	Street Sweeping & ROW Mowing	3,376.86	0.00
20-60-4266	Litter Clean Up Program	810.90	0.00

Check No.	43967	Total:	4,187.76
Total for	CLEANSTREET		4,187.76

COTTON SHIRES & ASSOC. INC.	Applicant Charges, September	11245	10/13/2010	
330 VILLAGE LANE	0047		10/13/2010	
LOS GATOS	BOA	43968	10/13/2010	0.00
CA 95030-7218				11,695.50

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4190	Geologist - Charges to Appls	11,695.50	0.00

Check No.	43968	Total:	11,695.50
Total for	COTTON SHIRES & ASSOC. INC.		11,695.50

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

DEPARTMENT OF CONSERVATION	SMISHMF, July - Sept 2010	11259	10/13/2010	
Division of Administrative			10/13/2010	
801 K STREET MS22-15	0054		10/13/2010	
SACRAMENTO	BOA	43969	10/13/2010	0.00
CA 95814-3531				497.91

GL Number	Description	Invoice Amount	Amount Relieved
05-56-4224	BSA/SMIP Fees	497.91	0.00

Check No.	43969	Total:	497.91
Total for	DEPARTMENT OF CONSERVATIO		497.91

GO NATIVE INC	Native Plant Maintenance	11237	10/13/2010	
	Town Center (Creek)		10/13/2010	
P.O. BOX 370103	632		10/13/2010	
MONTARA	BOA	43970	10/13/2010	0.00
CA 94037	2100			2,992.00

GL Number	Description	Invoice Amount	Amount Relieved
05-66-4342	Landscape Supplies & Services	2,992.00	0.00

Check No.	43970	Total:	2,992.00
Total for	GO NATIVE INC		2,992.00

GREENPLAQUE	Leed Platinum Awards 2009	11229	10/13/2010	
			10/13/2010	
2443 MARYLAND AVENUE	825		10/13/2010	
BALTIMORE	BOA	43971	10/13/2010	0.00
MD 21218	10348			1,165.00

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4336	Miscellaneous	670.00	0.00
05-66-4341	Community Hall	495.00	0.00

Check No.	43971	Total:	1,165.00
Total for	GREENPLAQUE		1,165.00

MATTHEW HEMINGTON	Refund Deposit	11260	10/13/2010	
			10/13/2010	
3510 ALPINE ROAD	747		10/13/2010	
PORTOLA VALLEY	BOA	43972	10/13/2010	0.00
CA 94028				405.00

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4207	Deposit Refunds, Other Charges	405.00	0.00

Check No.	43972	Total:	405.00
Total for	MATTHEW HEMINGTON		405.00

LEO HOENIGHAUSEN	Refund Deposit	11264	10/13/2010	
			10/13/2010	
100 BOLIVAR LANE	589		10/13/2010	
PORTOLA VALLEY	BOA	43973	10/13/2010	0.00
CA 94028				785.00

GL Number	Description	Invoice Amount	Amount Relieved
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Vendor Address	Vendor Number		Due Date	
City	Bank	Check No.	Check Date	Discount Amount
State/Province Zip/Postal	Invoice Number			Check Amount

96-54-4207	Deposit Refunds, Other Charges	785.00	0.00	
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Check No.	43973	Total:	785.00
Total for	LEO HOENIGHAUSEN		785.00

HORIZON	Fall Fertilizer for PVTG	11214	10/13/2010	
P.O. BOX 52758	0289		10/13/2010	
PHOENIX	BOA	43974	10/13/2010	0.00
AZ 85072-2758	1N024723			497.53

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4240	Parks & Fields Maintenance	497.53	0.00

Check No.	43974	Total:	497.53
Total for	HORIZON		497.53

HORSE PARK AT WOODSIDE	Refund Deposit	11222	10/13/2010	
P.O. BOX 620010	705		10/13/2010	
WOODSIDE	BOA	43975	10/13/2010	0.00
CA 94062				250.00

GL Number	Description	Invoice Amount	Amount Relieved
05-56-4226	Facility Deposit Refunds	250.00	0.00

Check No.	43975	Total:	250.00
Total for	HORSE PARK AT WOODSIDE		250.00

JPM CONSTRUCTION	Refund C&D Deposit	11246	10/13/2010	
20 TORO COURT	1096		10/01/2010	
PORTOLA VALLEY	BOA	43976	10/13/2010	0.00
CA 94028				4,500.00

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4205	C&D Deposit	4,500.00	0.00

Check No.	43976	Total:	4,500.00
Total for	JPM CONSTRUCTION		4,500.00

KDSA CONSULTING LLC	October Spam Filtering	11221	10/13/2010	
1600 OSGOOD STREET	555		10/13/2010	
N. ANDOVER	BOA	43977	10/13/2010	0.00
MA 01845	011210			75.00

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4311	Internet Service & Web Hosting	75.00	0.00

Check No.	43977	Total:	75.00
Total for	KDSA CONSULTING LLC		75.00

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

LESLIE LAMBERT	September Mileage	11266	10/13/2010	
			10/13/2010	
80 CHESTER CIRCLE	0291		10/13/2010	
LOS ALTOS	BOA	43978	10/13/2010	0.00
CA 94022				55.00

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4328	Mileage Reimbursement	55.00	0.00

Check No.	43978	Total:	55.00
Total for	LESLIE LAMBERT		55.00

LYNGSO GARDEN MATERIALS INC	PVTC Landscape	11219	10/13/2010	
			10/13/2010	
19 SEAPORT BOULEVARD	923		10/13/2010	
REDWOOD CITY	BOA	43979	10/13/2010	0.00
CA 94063				39.33

GL Number	Description	Invoice Amount	Amount Relieved
05-66-4342	Landscape Supplies & Services	39.33	0.00

Check No.	43979	Total:	39.33
Total for	LYNGSO GARDEN MATERIALS INC		39.33

MARTIN AND CHAPMAN	2010 CA City Clerks Directory	11220	10/13/2010	
			10/13/2010	
1951 WRIGHT CIRCLE	0174		10/13/2010	
ANAHEIM	BOA	43980	10/13/2010	0.00
CA 92806-6028	210416			22.30

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4308	Office Supplies	22.30	0.00

Check No.	43980	Total:	22.30
Total for	MARTIN AND CHAPMAN		22.30

JANET MCDUGALL	Mileage Reimbursement	11247	10/13/2010	
			10/13/2010	
765 PORTOLA ROAD	769		10/13/2010	
PORTOLA VALLEY	BOA	43981	10/13/2010	0.00
CA 94028				89.50

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4328	Mileage Reimbursement	89.50	0.00

Check No.	43981	Total:	89.50
Total for	JANET MCDUGALL		89.50

JOHN MILLS	Refund Business License Fees	11265	10/13/2010	
			10/13/2010	
20 TORO COURT	0217		10/13/2010	
PORTOLA VALLEY	BOA	43982	10/13/2010	0.00
CA 94028				220.00

GL Number	Description	Invoice Amount	Amount Relieved
05-56-4228	Miscellaneous Refunds	220.00	0.00

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

Check No.	43982	Total:	220.00
Total for	JOHN MILLS		220.00

JEFF MORGAN	Refund Deposit	11262	10/13/2010	
110 WILLOWBROOK DRIVE	702		10/13/2010	
PORTOLA VALLEY	BOA	43983	10/13/2010	0.00
CA 94028				173.22

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4207	Deposit Refunds, Other Charges	173.22	0.00

Check No.	43983	Total:	173.22
Total for	JEFF MORGAN		173.22

NOLTE ASSOCIATES INC.	Applicant Charges, Aug 2010	11268	10/13/2010	
2495 NATOMAS PARK DRIVE	0104		10/13/2010	
SACRAMENTO	BOA	43984	10/13/2010	0.00
CA 95833-2935	10130361			60.00

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4194	Engineer - Charges to Appls	60.00	0.00

Check No.	43984	Total:	60.00
Total for	NOLTE ASSOCIATES INC.		60.00

O. NELSON & SON	Town Center Trail	11230	10/13/2010	
3355 TRIPP ROAD	634		10/13/2010	
WOODSIDE	BOA	43985	10/13/2010	0.00
CA 94062	121			6,750.00

GL Number	Description	Invoice Amount	Amount Relieved
20-60-4270	Trail Surface Rehabilitation	6,750.00	0.00

Check No.	43985	Total:	6,750.00
Total for	O. NELSON & SON		6,750.00

OFFICE EQUIPMENT FINANCE SERV	October Lease for Copier	11271	10/13/2010	
P. O. BOX 790448	472		10/13/2010	
ST. LOUIS	BOA	43986	10/13/2010	0.00
MO 63179	161183447			408.92

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4312	Office Equipment	408.92	0.00

Check No.	43986	Total:	408.92
Total for	OFFICE EQUIPMENT FINANCE SE		408.92

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

AMY E PAYNE	Fall Instructor Fees	11249	10/13/2010	
			10/13/2010	
367 OLD LA HONDA ROAD	686		10/13/2010	
WOODSIDE	BOA	43987	10/13/2010	0.00
CA 94062				3,590.00

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4246	Instructors & Class Refunds	3,590.00	0.00

Check No.	43987	Total:	3,590.00
Total for	AMY E PAYNE		3,590.00

PENINSULA OPEN SPACE TRUST	Refund Deposit	11223	10/13/2010	
			10/13/2010	
222 HIGH STREET	780		10/13/2010	
PALO ALTO	BOA	43988	10/13/2010	0.00
CA 94301				1,000.00

GL Number	Description	Invoice Amount	Amount Relieved
05-56-4226	Facility Deposit Refunds	1,000.00	0.00

Check No.	43988	Total:	1,000.00
Total for	PENINSULA OPEN SPACE TRUST		1,000.00

PERS HEALTH	October Premium	11217	10/13/2010	
			10/13/2010	
VIA EFT	0108		10/13/2010	
	BOA	43989	10/13/2010	0.00
				13,572.58

GL Number	Description	Invoice Amount	Amount Relieved
05-50-4086	Health Insurance Medical	13,572.58	0.00

Check No.	43989	Total:	13,572.58
Total for	PERS HEALTH		13,572.58

PG&E	September Statements	11248	10/13/2010	
			10/13/2010	
BOX 997300	0109		10/13/2010	
SACRAMENTO	BOA	43990	10/13/2010	0.00
CA 95899-7300				236.29

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4330	Utilities	236.29	0.00

Check No.	43990	Total:	236.29
Total for	PG&E		236.29

JAMES POOLEY	Refund Deposit	11261	10/13/2010	
			10/13/2010	
460 GOLDEN OAK DRIVE	707		10/13/2010	
PORTOLA VALLEY	BOA	43991	10/13/2010	0.00
CA 94028				500.00

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4207	Deposit Refunds, Other Charges	500.00	0.00

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

Check No.	43991	Total:	500.00
Total for	JAMES POOLEY		500.00

PORTOLA GREEN HOA	Refund Deposit	11224	10/13/2010	
18 PORTOLA GREEN CIRCLE	902		10/13/2010	
PORTOLA VALLEY	BOA	43992	10/13/2010	0.00
CA 94028				1,000.00

GL Number	Description	Invoice Amount	Amount Relieved
05-56-4226	Facility Deposit Refunds	1,000.00	0.00

Check No.	43992	Total:	1,000.00
Total for	PORTOLA GREEN HOA		1,000.00

PORTOLA VALLEY HARDWARE	September Statement	11238	10/13/2010	
112 PORTOLA VALLEY ROAD	0114		10/13/2010	
PORTOLA VALLEY	BOA	43993	10/13/2010	0.00
CA 94028				524.79

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4240	Parks & Fields Maintenance	108.87	0.00
05-66-4340	Building Maint Equip & Supp	139.65	0.00
20-60-4270	Trail Surface Rehabilitation	276.27	0.00

Check No.	43993	Total:	524.79
Total for	PORTOLA VALLEY HARDWARE		524.79

PROFORMA	Bamboo Lit Display - Sustainab	11231	10/13/2010	
P.O. BOX 51925	1023		10/13/2010	
LOS ANGELES	BOA	43994	10/13/2010	0.00
CA 90051-6225	0E78000806			498.00

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4335	Sustainability Series	498.00	0.00

Check No.	43994	Total:	498.00
Total for	PROFORMA		498.00

SAN MATEO CO INF SERVICES	August M/W Channel	11213	10/13/2010	
455 COUNTY CENTER, 3RD FLOOR	0307		10/13/2010	
REDWOOD CITY	BOA	43995	10/13/2010	0.00
CA 94063	1YPV11008			76.00

GL Number	Description	Invoice Amount	Amount Relieved
05-52-4152	Emerq Preparedness Committee	76.00	0.00

Check No.	43995	Total:	76.00
Total for	SAN MATEO CO INF SERVICES		76.00

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

SHARP BUSINESS SYSTEMS	Aug/Sept Copies	11239	10/13/2010	
			10/13/2010	
DEPT. LA 21510	0199		10/13/2010	
PASADENA	BOA	43996	10/13/2010	0.00
CA 91185-1510	306842			20.41

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4308	Office Supplies	20.41	0.00

Check No.	43996	Total:	20.41
Total for	SHARP BUSINESS SYSTEMS		20.41

SPANGLE & ASSOCIATES	8/20 - 9/23 Statement	11250	10/13/2010	
			10/13/2010	
770 MENLO AVENUE	0121		10/13/2010	
MENLO PARK	BOA	43997	10/13/2010	0.00
CA 94025-4736				42,747.20

GL Number	Description	Invoice Amount	Amount Relieved
05-52-4140	ASCC	2,300.00	0.00
05-52-4162	Planning Committee	4,598.00	0.00
05-54-4196	Planner	13,409.80	0.00
96-54-4198	Planner - Charges to Appls	22,439.40	0.00

Check No.	43997	Total:	42,747.20
Total for	SPANGLE & ASSOCIATES		42,747.20

SPARTAN ENGINEERING	Security/Fire Monitor 2011	11215	10/13/2010	
			10/13/2010	
540 PARROTT STREET	0095		10/13/2010	
SAN JOSE	BOA	43998	10/13/2010	0.00
CA 95112	7854M			900.00

GL Number	Description	Invoice Amount	Amount Relieved
05-66-4346	Mechanical Sys Maint & Repair	900.00	0.00

Check No.	43998	Total:	900.00
Total for	SPARTAN ENGINEERING		900.00

STAPLES	August Office Supplies	11216	10/13/2010	
			10/13/2010	
STAPLES CREDIT PLAN	430		10/13/2010	
DES MOINES	BOA	43999	10/13/2010	0.00
IA 50368-9020	G149113001			183.82

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4308	Office Supplies	183.82	0.00

Check No.	43999	Total:	183.82
Total for	STAPLES		183.82

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

STATE COMP INSURANCE FUND	September Premium	11225	10/13/2010	
			10/13/2010	
			10/13/2010	
PO BOX 7980	0122		10/13/2010	0.00
SAN FRANCISCO	BOA	44000	10/13/2010	
CA 94120-7854				1,936.75

GL Number	Description	Invoice Amount	Amount Relieved
05-50-4094	Worker's Compensation	1,936.75	0.00

Check No.	44000	Total:	1,936.75
Total for	STATE COMP INSURANCE FUND		1,936.75

BARBARA TEMPLETON	Transcription, September	11234	10/13/2010	
			10/13/2010	
			10/13/2010	
304 MELVEN COURT	369		10/13/2010	0.00
SAN LEANDRO	BOA	44001	10/13/2010	
CA 94577-2011	612			1,485.00

GL Number	Description	Invoice Amount	Amount Relieved
05-54-4188	Transcription Services	1,485.00	0.00

Check No.	44001	Total:	1,485.00
Total for	BARBARA TEMPLETON		1,485.00

THERMAL MECHANICAL, INC	Annual Service	11269	10/13/2010	
			10/13/2010	
			10/13/2010	
425 ALDO AVENUE	955		10/13/2010	0.00
SANTA CLARA	BOA	44002	10/13/2010	
CA 95054	PM-45842			1,400.00

GL Number	Description	Invoice Amount	Amount Relieved
05-66-4346	Mechanical Sys Maint & Repair	1,400.00	0.00

Check No.	44002	Total:	1,400.00
Total for	THERMAL MECHANICAL, INC		1,400.00

TOWNSEND MGMT, INC	Insp/Testing Road Proj Aug '10	11232	10/13/2010	
			10/13/2010	
			10/13/2010	
P.O. BOX 24442	609		10/13/2010	0.00
SAN FRANCISCO	BOA	44003	10/13/2010	
CA 94124	200058-08-10			1,045.00

GL Number	Description	Invoice Amount	Amount Relieved
05-68-4503	CIPStreetDesignFutureFY	1,045.00	0.00

Check No.	44003	Total:	1,045.00
Total for	TOWNSEND MGMT, INC		1,045.00

UNION BAY ROOFING	Refund C & D Deposit	11270	10/13/2010	
			10/13/2010	
			10/13/2010	
1851 REDONDO WAY	1036		10/13/2010	0.00
SALINAS	BOA	44004	10/13/2010	
CA 93905				1,000.00

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

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

Check No.	44004	Total:	1,000.00
Total for	UNION BAY ROOFING		1,000.00

VERIZON WIRELESS	September Admin Cellular	11272	10/13/2010	
P.O. BOX 9622	0131		10/13/2010	
MISSION HILLS	BOA	44005	10/13/2010	0.00
CA 91346-9622	0908782178			128.92

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4318	Telephones	128.92	0.00

Check No.	44005	Total:	128.92
Total for	VERIZON WIRELESS		128.92

DELVIN YUK	Refund Deposit	11263	10/13/2010	
1315 HOBART	637		10/13/2010	
MENLO PARK	BOA	44006	10/13/2010	0.00
CA 94025				354.16

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4207	Deposit Refunds, Other Charges	354.16	0.00

Check No.	44006	Total:	354.16
Total for	DELVIN YUK		354.16

Total Invoices:	60	Grand Total:	157,596.77
		Less Credit Memos:	0.00
		Net Total:	157,596.77
		Less Hand Check Total:	0.00
		Outstanding Invoice Total:	157,596.77

TOWN OF PORTOLA VALLEY
Warrant Disbursement Journal
October 13, 2010

Claims totaling \$157,596.77 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 _____

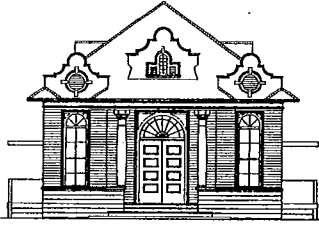
Angela Howard, Treasurer

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

Signed and sealed this (Date) _____

Sharon Hanlon, Town Clerk

Mayor



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Mayor and Councilmembers
FROM: Sandy Sloan, Town Attorney
DATE: October 7, 2010
RE: Policy Regarding Councilmember's Use of Personal Computing Devices

RECOMMENDATION: By resolution adopt the attached policy regarding councilmember's use of personal computing devices during Town Council meetings.

BACKGROUND: In an effort to reduce the amount of paper utilized by the Town, the Town Council wishes to have councilmembers use personal computing devices, such as iPads, to store agenda materials for and access agenda materials during Town Council meetings. The policy acknowledges that councilmembers recognize the importance of paying attention during Town Council meetings and councilmembers will not access the internet, receive/initiate calls, emails or text messages during a meeting, unless there is an emergency or a majority of the Council approves such access. The policy also provides that writings related to the conduct of the Town's business stored on any such personal computing device are subject to the Town's email policy, Resolution No. 2466-2009.

cc: Town Manager

RESOLUTION NO. _____

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PORTOLA
VALLEY ADOPTING A POLICY REGARDING THE USE OF
PERSONAL COMPUTING DEVICES**

WHEREAS, the Town Council wishes to have councilmembers use personal computing devices to store agenda materials for and access agenda materials during Town Council meetings in an effort to reduce the amount of paper utilized by the Town; and

WHEREAS, the Town Council is required to make decisions on a variety of matters impacting the Town of Portola Valley and its citizens and the Council recognizes the importance of paying attention during Town Council meetings and focusing on the task at hand; and

WHEREAS, the Town Council understands that information related to the conduct of the Town's business stored on any personal computing device may be a public record; and

WHEREAS, the Town Council wishes to adopt a policy regarding personal computing devices and their use during Town Council meetings.

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

1. A personal computing device, for purposes of this Resolution, includes mobile phones, iPads, tablets, laptops, notebooks, desktop computers and other such devices.
2. Any personal computing device provided by the Town to members of the Town Council for use storing agenda materials for and accessing agenda materials during Town Council meetings shall be the property of the Town and shall be returned to the Town when the councilmember is no longer serving in that capacity.
3. During Town Council meetings, noticed and open to the public pursuant to the Brown Act, the use of personal computing devices by Town councilmembers to access the internet/intranet or receive/send calls, emails, text messages or other communication is not permitted, except for emergency reasons. However, if a majority of the Council present at the meeting determines that a councilmember should check a federal or state law or other similar factual item, the Council may authorize one councilmember to access the internet for that purpose.

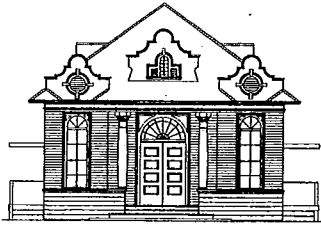
4. All writings related to the conduct of the Town's business stored on a personal computing device are subject to the Town's email policy, Resolution No. 2466-2009.

PASSED AND ADOPTED this 13th day of October, 2010.

By: _____
Mayor

ATTEST:

Town Clerk



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Mayor and Councilmembers

FROM: Sandy Sloan, Town Attorney

DATE: October 6, 2010

RE: **T-Mobile Appeal**

T-Mobile has appealed the Planning Commission's denial of their application for a conditional use permit to locate a wireless communication facility at Golden Oak Drive and Peak Lane. A majority vote of all of the members of the Town Council is required to modify or reverse the Planning Commission's decision. Portola Valley Municipal Code Section 18.76.120. This memo will provide an overview of the legal framework associated with the appeal.

1. Telecommunications Act

The Telecommunications Act ("TCA") is a federal law designed to promote competition and reduce regulation among telecommunications providers. 47 USCA §253 et seq. As a federal law, the TCA preempts, restricts and outlines the authority local governments have in the consideration and approval of wireless communication facilities. With limitations, local governments retain authority over decisions regarding the placement, construction and modification of personal wireless service facilities. 47 USCA §332(c)(7).

2. Radio Frequency Emissions

One of the limitations on local authority is that "[n]o...local government...may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning

such emissions.” 47 USCA §332(c)(7)(B)(iv).¹ A local agency may not deny an application for the installation of a wireless telecommunications facility based on concerns related to the effects of radio frequency (“RF”) emissions. SPRINTCOM, Inc. v. Puerto Rico Regulations and Permits Admin. (2008) 553 F.Supp.2d 87. Furthermore, a court may look at whether the decision was *implicitly* based on the environmental effects of RF emissions even though other concerns were expressed. In AT&T Wireless Services of California LLC v. City of Carlsbad (2003) 308 F.Supp.2d 1148, the court determined that “concern over the decrease in property values may not be considered as substantial evidence if the fear of property value depreciation is based on concern over the health effects caused by RF emissions.” Thus, the local agency may not deny an application using property values or aesthetics as a guise for denial based on RF concerns.

Even if some believe scientific studies conducted after the TCA went into effect show deleterious effects from RF emissions, the explicit language of the law cannot be ignored. As long as the RF emissions comply with the Federal Communications Commission (“FCC”) regulations, the application cannot be denied based on concerns regarding RF emissions. Nevertheless, a local government can require on-going monitoring of RF emissions to ensure that they do not exceed the levels established by the FCC.

3. Aesthetics

The TCA does not prohibit regulation based on aesthetics. However, any decision regarding aesthetics must be based upon substantial evidence (such relevant evidence as a reasonable mind might accept as adequate to support a conclusion). Sprint PCS Assets, LLC v. City of Palos Verdes Estates (2009) 583 F.3d 746. The law also requires more than generalized aesthetic concerns and the decision must be grounded in the specifics of the case. See Voice Stream PCS I, LLC v. City of Hillsboro (2004) 301 F.Supp.2d 1251, concluding that there was substantial specific evidence in the record related to the neighborhood’s prized natural setting, comprised of fir and evergreen trees, as well as a greenway. More specifically, there was no existing commercial development, towers or above ground power lines in the neighborhood. See also USOC of New Hampshire RSA No. 2 Inc. v. Town of BOW, New Hampshire (2007) 493 F.Supp.2d 199, concluding that a wireless antenna would impose an undue visual impact, which was contrary to the public interest and spirit of the zoning ordinance, which was to preserve the natural

¹The language of the TCA is not specific to human health effects, but environmental effects generally. To the extent there is a claim that RF emissions affect birds, if the tower complies with FCC regulations concerning RF emissions, the town cannot regulate on that basis. In a recent unreported case, Richmond Residents for Responsible Antenna Placement v. City of Richmond, 2009 WL 5149855 the court concluded because the city could not regulate based on RF emissions, their action was ministerial and not a project for CEQA purposes. Because there was a report in the record indicating the facility would comply with applicable regulations, there was no need for CEQA review of RF effects.

beauty of the small New England community. In particular the land on which the WCF was proposed had historical significance and the Master Plan for the town listed the area in its "Natural, Cultural and Historical Resources Inventory" because of its scenic views of the White Mountains. As evidenced by the above cases, the law allows a local agency to deny a permit based upon aesthetics if the decision is supported by specific substantial evidence.

4. Significant Gap

If a local agency wishes to deny an application for a wireless communication facility upon substantial evidence of an aesthetic impact, federal case law still requires an application be approved if the telecommunications company has demonstrated that there is a "significant gap" in coverage and the proposal is the least intrusive means to fill that gap. MetroPCS, Inc. v. City and County of San Francisco (9th Cir. 2004) 400 F.3d 715. Analysis of the significant gap is the first step in the analysis of whether the denial violates Section 332(c) of the TCA. Section 332(c) prevents unjust or unreasonable discrimination for the protection of consumers and the public interest and bars regulation that would prohibit or have the effect of prohibiting the provision of personal wireless services.

There are relatively few cases that have dealt with the issue of a "significant gap". In MetroPCS, Inc. v. City and County of San Francisco (9th Cir. 2005) 400 F.3d 715, the court considered different standards other circuits had used to determine the definition of a "significant gap". The 9th Circuit rejected the standard that there is a "significant gap" in service only if *no provider* is able to serve the "gap" area in question. Instead, the court concluded that a "significant gap in service (and thus an effective prohibition of service) exists when a service provider is prevented from filling a significant gap in *its own* coverage." Metro PCS, Inc. at 733.

In the Metro PCS case, in its motion for summary judgment, the City of San Francisco argued the TCA did not assure every wireless carrier a right to seamless coverage and that the inability to cover a few blocks in a large city was not a "significant gap." The court recognized that the TCA does not guarantee wireless service providers coverage free of small "dead spots" (small areas within a service area where the field strength is lower than the minimum level for reliable service). However, the court concluded that "significant gap" determinations are "extremely fact-specific inquiries that defy bright line legal rule." Metro PCS, Inc. at 733-734. Thus, the determination of the existence of a "significant gap" is a factual inquiry.

In an unreported case², MetroPCS, Inc. v. City and County of San Francisco (N.D. CA 2006) 2006 WL 1699580, the court considered the question of whether a lack of in-building coverage was sufficient to constitute a "significant gap". Although there is a lack of controlling authority on the issue, the court concluded that any analysis of a significant gap should include consideration of a wireless carrier's in-

² An unreported case cannot be relied on as precedent, but if a case is brought in the same court, it will give an indication of how that court will rule. San Mateo County cases are in the same federal district court as San Francisco cases.

building coverage. This conclusion was based on a case out of New York, Sprint Spectrum, L.P. v. Willoth (2nd Cir. 1999) 176 F.3d 630, where the court “embraced the notion that in-building coverage should be included in any significant gap analysis by stating that *de minimus* coverage holes are those that are limited in number and size, such as the interiors of buildings in a sparsely populated rural area³, or confined to a limited number of houses or spots as the area covered by buildings increases.” Accordingly, the court concluded “where coverage holes are large or frequent in number and size, and extend to the interior of buildings in urban areas or to a significant number of residences in well-populated areas, such coverage holes are actionable under the TCA.” MetroPCS, Inc. at 10. The court, reviewing the record consisting of propagation maps and drive tests, relied on the City’s consultant’s conclusion that an in-building coverage gap of two blocks with a 65% call failure rate in a densely populated area was significant:

The most recent 9th Circuit case discussing the issue of a “significant gap” is Sprint PCS Assets, L.L.C. v. City of Palos Verdes Estates (9th Cir. 2009) 583 F.3d 716. The court acknowledged that “significant gap” determinations are extremely fact-specific inquiries that defy any bright-line legal rule. In this case, the “bare-bones approach” taken by Sprint arguing that radio frequency propagation maps were sufficient to establish a “significant gap” was not enough for the court. “[T]hat there was a ‘gap’ in coverage is certainly not sufficient to establish that there was a ‘significant gap’ in coverage.” Sprint PCS at 727. The court did not specifically set out a test for determining what constituted a significant gap, but listed factors other federal Districts have considered in determining when a gap is more than a small dead spot: (1) whether the gap affected a significant commuter highway or railway, (2) the nature and character of the area or the number of potential users in the area who may be affected by the alleged lack of service, (3) whether facilities were needed to improve weak signals or to fill a complete void in coverage, (4) drive tests⁴, (5) whether the gap covers well traveled roads on which customers lack

³ In the Sprint Spectrum case, the issue was the number of cell towers needed to serve the town. The only discussion of what constituted “rural” was a notation in the factual background that a consultant defined “a rural morphology as an area in which the population density is less than 250 people per square mile, and the recommended cell radius is set at 4 miles.”

⁴ This factor comes from American Cellular Network Company, LLC v. Upper Dublin Township (2002) 203 F.Supp.2d 383, a case out of Pennsylvania where the wireless service provider demonstrated that the scope of the gap was significant and the court granted its motion for summary judgment. The test for significance was two-fold: (1) qualitative and (2) scope. The qualitative inquiry asked whether the service was sufficiently poor (i.e. number of dropped calls, instances of no service and signal strength). In this case, drive test data showed unreliable service—approximately 10% of the time the call could not go through or was interrupted, dropped or voices were unintelligible. This percentage (or even 5-7%) of unreliability was enough for the court to consider the gap significant. The scope inquiry asked how many users were affected and how large an area was in the gap. The court found 1/8 of a mile was not significant. However, the gap was significant based on the number of 911 calls that came from the area (approximately 1300).

roaming capabilities⁵, (6) whether the gap affects a commercial district, and (7) whether the gap poses public safety risk. These are factors that the Council should consider in making its decision on the T-Mobile appeal. It is not necessary that all or any particular one of these factors be present. These factors are simply a guide to the town in making its decision based on the facts presented.

5. Least Intrusive

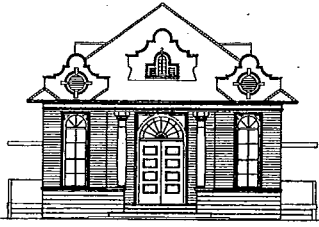
If there is a significant gap, the second step in the analysis of whether the denial violates Section 332(c) of the TCA is about the feasibility of alternatives to fill that gap. The provider must show that the manner in which it proposes to fill the significant gap in service is the "least intrusive" on the values that the denial sought to serve. MetroPCS, Inc. v. City and County of San Francisco (9th Cir. 2004) 400 F.3d 715. Cognizant of this standard, the provider in the T-Mobile USA, Inc. v. City of Anacortes (9th Cir. 2009) 572 F.3d 987, submitted an analysis of 18 alternative sites as a means to show that the proposal was the least intrusive. Nevertheless, the City of Anacortes denied the permit concluding the proposed site was not the least intrusive. The problem was the City failed to rebut T-Mobile's showing of a lack of available and feasible alternative sites. The City's own consultant concluded that T-Mobile had chosen the best possible location. Although some alternative sites may have been feasible, the City did not have any evidence in the record that the owners of those sites would be willing to allow a facility on their property. Because there was no alternative site available, denial of the application was an effective prohibition of wireless service in violation of Section 332(c) of the TCA. To summarize, a wireless provider must make the initial showing that the method it is proposing to fill a significant gap in its service is the least intrusive, but if the agency chooses to deny the permit on this basis it must provide evidence showing there are less intrusive means of filling the gap.

6. Time for Processing Applications

Section 332(c)(7)(B)(ii) of the TCA requires a local government to act on any request to place, construct or modify personal wireless service facilities within a reasonable period of time after the request is filed, taking into account the nature and scope of the request. The FCC has ruled that a "reasonable period of time" to process an application for collocation (applications that do not involve a substantial increase in the size of a tower) of a personal wireless service facility is 90 days and is 150 days for all other wireless applications. The 90 and 150 day time periods take into account whether or not applications are complete. T-Mobile's application was deemed complete by the town on February 22, 2010. Accordingly, the town would have needed to act on the application on before July 22, 2010, except that T-Mobile has waived these time periods for the purposes of this appeal.

⁵ This factor may not be as relevant as other factors because the 9th Circuit test focuses on the gap in a provider's own coverage. Roaming addresses whether other providers service the gap area.

cc: Town Manager
Town Planner



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Town Council

FROM: Tom Vlastic, Town Planner
Karen Kristiansson, Principal Planner

DATE: October 6, 2010

RE: Appeal of Planning Commission Denial of an Application for a Conditional Use Permit (CUP) X7D-170, for Installation of a Wireless Communication Antenna Facility on a California Water Service Company property located on Golden Oak Drive at Peak Lane, *T-Mobile West Corporation*, Assessor's Parcel Number 079-092-350

Introduction

The planning commission denied this application for a wireless communication facility (WCF) at its July 7, 2010 meeting, and T-Mobile has filed an appeal. The town attorney has advised that the council will need to consider the application as new (*de novo*) and will therefore need to act on all parts of the application. To assist, this staff report first describes the recommendations for council considerations and actions and then provides background on the project. The background information includes a description of the application, the recommendations from the Architectural and Site Control Commission, information about the peer review report prepared for the project, and a summary of the planning commission's deliberations and conclusions. Finally, this staff report provides detailed information and analysis for each item the town council needs to consider and act upon.

This staff report includes significantly more data and analysis than was available to the planning commission at the time the commission acted on the T-Mobile application. T-Mobile provided additional information in their September 17, 2010 appeal submittal. The town attorney has prepared a framework and detailed analysis relative to the significant gap issue. Finally, residents have provided additional input relative to the application and overall wireless service in town. As noted in the planning commission minutes, the commission anticipated that the council would be able to draw on such additional data and analysis, particularly from the town attorney, if an appeal were filed.

Recommendations for Council Consideration and Action

1. **Mitigated Negative Declaration:** Approve the Mitigated Negative Declaration (MND) that was prepared for the project in compliance with the California Environmental Quality Act (CEQA). The council should **not** approve the MND if the council intends to deny the Conditional Use Permit on aesthetic grounds, since the MND finds that the project, with required mitigation, does not have significant aesthetic impacts.
2. **Conditional Use Permit:** Make the eight findings necessary for a Conditional Use Permit (CUP) and approve the permit. If the council **cannot** make all of the findings, the council should consider whether the proposed wireless communication facility (WCF) fills a significant gap in T-Mobile's coverage.
3. **Significant Gap:** If necessary, consider whether the proposed WCF would fill a significant gap and then consider whether the proposed WCF would be the least intrusive way to fill the significant gap. If the council **does not** find that the gap is significant, the council may deny the application.
4. **Least Intrusive Means:** If appropriate, determine the proposed WCF is the least intrusive feasible means of filling the significant gap and issue the CUP. If the council **does not** find that this is the least intrusive means of filling the significant gap, the council should deny the project and direct that other alternatives be further considered and evaluated.
5. **Resolution:** Once the council has completed its deliberations, the town attorney advises that the council should then direct staff to prepare a resolution setting out the decisions and findings supporting the decisions, as they have been articulated by the council during the meeting. The Portola Valley Municipal Code, in Section 18.76.120, requires that the town council act by resolution. The resolution will be brought back to the council for final action on the consent calendar of the next meeting.

Background

On September 23, 2009, T-Mobile's filed an application to place a WCF on the 1.3-acre property located at the southwestern corner of the intersection of Golden Oak Drive and Peak Lane (see attached vicinity map) owned by California Water Service Company (Cal Water). The site currently contains a 750,000-gallon water tank facility that was authorized by a separate use permit granted by the town in 1992 (X7D-136). The WCF would include a 45' tall pole with a T-Mobile antenna and a Cal Water antenna that would be used to monitor water tank conditions and operations, all camouflaged within a 50' tall faux tree. Ground equipment would be located within a 20' x 20' foot area surrounded by a 6' high redwood fence. The CUP would be issued to T-Mobile, who would lease the land for the facility from Cal Water.

In response to a request from the Architectural and Site Control Commission (ASCC), T-Mobile submitted revised plans on February 2, 2010 (attached), showing a 50' monopole option. This larger monopole would support a T-Mobile antenna, a Cal Water antenna and another carrier's antenna. The ground level equipment would be located within a

15' x 15' enclosure with an 8' tall fence, the materials and color of which would be determined by the town.

The town received an updated application package dated March 16, 2010 (attached), which included a number of clarifications and pieces of additional information. These application materials presented a monopole option and a monopine option, and also discussed a third microcell alternative. T-Mobile stated, however, that the microcell alternative would not meet their objectives. T-Mobile also provided a March 31, 2010 supplemental statement in response to questions from the ASCC (attached).

T-Mobile submitted further revised plans to the town on July 2, 2010 (attached). These revised plans showed a 55' pole within a 60' tall monopine. This WCF could accommodate the T-Mobile antenna, the antenna for one future carrier, and the Cal Water antenna. The monopine would be located within a 15' x 15' enclosure surrounded by an 8' tall fence with materials and color determined by the town.

Additional background information on the application materials is provided in the staff report prepared for the July 7, 2010 planning commission hearing, which is available at Town Hall and on the town website. As noted in the July 7, 2010 staff report, the T-Mobile application was deemed complete on February 22, 2010 when the required arborist report was provided to the town.

Architectural and Site Control Commission

The ASCC, which reviews and provides recommendations for all use permit applications, addressed T-Mobile's application at four meetings: October 26, 2009, November 9, 2009, February 8, 2010, and March 22, 2010. Commissioners considered a number of local antenna examples and were able both to view photos of these and to visit the sites. These examples included both monopoles and monopines. After reviewing these examples, the ASCC concluded that although they were not satisfied with the aesthetics of either the pole or pine options, the pine would have fewer impacts if the tree were custom-designed to fit the site conditions. However, ASCC members felt that some variation of a microcell design with antennas on existing utility poles would be preferable.

Another key aesthetic issue the ASCC addressed was screening. Many of the existing trees on the Cal Water site are nearing the end of their life spans, and many are not in good health. Loss of these trees would increase the aesthetic impacts of the WCF. Therefore, the ASCC recommended that: (1) the town require T-Mobile to prepare and implement a detailed landscape plan to both improve the condition of existing trees and enhance screening, and (2) the town require T-Mobile to guarantee landscape maintenance. The ASCC felt that Cal Water, the property owner, should be a party to any agreement guaranteeing screen vegetation maintenance.

Finally, to prevent proliferation of antennas at the site, the ASCC recommended sizing the pole and enclosure to accommodate three service providers and discouraging additional antennas on the site. Originally, a 60' WCF was thought to be tall enough for three service providers. According to the T-Mobile's appeal, however, a 60' antenna could likely accommodate only one additional service provider along with T-Mobile and the small antenna needed for Cal Water.

Based on ASCC comments and recommendations, together with the town's wireless policy statement (attached), staff developed a number of possible conditions for the project. These include requirements for agreements that also place certain burdens on Cal Water as the property owner.

Planning Commission

The planning commission heard T-Mobile's application on April 7, 2010. At that meeting, the planning commission requested independent expert consideration of the application, including whether there was a gap in T-Mobile's coverage and an assessment of alternative technologies available to T-Mobile. After conducting substantial research and checking references, the town planner arranged for RCC Consultants, Inc. (RCC), to conduct a peer review. RCC does not work for telecommunications firms, but only for public clients. Staff at several Bay Area cities spoke highly of their work. RCC submitted their peer review report on July 1, 2010 and a supplemental report on July 7, 2010. Both reports are attached. At the July 7, 2010 planning commission meeting (minutes attached) Dieter Prieser of RCC presented the report.

Peer Review Report

To conduct the peer review, RCC considered all application materials, the minutes of the April 7, 2010 planning commission meeting and public comments. RCC also requested and considered two pieces of additional information from T-Mobile: (1) the results of any drive tests done in the area, and 2) data on the specifications for the micro-cell alternative. Pursuant to industry standards, and at the request of T-Mobile, however, the data has been kept confidential. RCC also conducted an independent drive test to validate the data provided by T-Mobile, as noted in the report. As a result of their peer review, RCC found that "T-Mobile's need for a wireless site is justified." In other words, according to the coverage plots (propagation maps) and independent drive test results, there is a gap in T-Mobile's coverage.

With respect to the micro-cell alternative, RCC found that the coverage that would be provided by this alternative would be "far inferior" due particularly to the low power output of the micro base station and limitations on antenna height. As is mentioned in the April 1, 2010 staff report to the planning commission, which is available on the town's website and at town hall, the micro-cell alternative would have its own aesthetic impacts in that cabinets would be placed on at least eight utility poles, and likely more, directly adjacent to the roadway. If other wireless providers were also to use micro-cell technology, the amount of visible equipment along the roadway would multiply, as would the aesthetic impacts.

RCC also considered other potential alternative technologies that T-Mobile could use to provide coverage in the area. Besides micro-cells, the main alternative is called Distributed Antenna Systems (DAS) and consists of small antennas mounted on existing utility poles or buildings, all connected with fiber optic cable, either buried or strung between poles/buildings. According to RCC, DAS is generally used within buildings or for small targeted areas and not for this type of residential area. Based on RCC experience and analysis, DAS would not be able to provide adequate in-building coverage. For these reasons, RCC concluded that DAS is not a viable alternative for this location.

RCC's report includes the following conclusions:

- "T-Mobile's need for a wireless site is justified, based on stated design objectives for the intended area of coverage and the demonstrated coverage gap depicted on the RF prediction maps as verified by T-Mobile's drive test data. Furthermore, RCC's independent field measurements validate T-Mobile's assertion of a significant coverage gap in its network."
- "The 8-site microcell coverage design presented by T-Mobile offers far inferior coverage" and "a fiber-fed distributed antenna system (DAS) for outdoor deployment has similar performance constraints."
- "The proposed installation . . . will meet Federal Communications Commission guidelines pertaining to radio frequency emissions exposure to the general public."

Community Comments and Concerns

Neighbors and other community members expressed a number of concerns at the July 7 planning commission meeting and other public meetings on the project. Residents have also written numerous letters about the project. Planning Manager Leslie Lambert has prepared a memorandum dated October 5, 2010 which lists and provides copies of all community correspondence on the T-Mobile application and appeal.

Some of the main issues from these many comments are summarized below, although this is not intended to be a complete list of all comments offered:

1. The antenna will be visible and aesthetically obtrusive.
2. The tower could affect property values of neighboring parcels.
3. Landscaping on the site has not been well-maintained in the past. Many of the trees are nearing the end of their life-spans. Therefore, the town should not rely on landscaping for screening.
4. If the town allows this tower on the site, will it need to allow other towers for other carriers in the future? That would compound the impacts.
5. It's not right that the water district should benefit financially from an antenna that will harm the neighbors and the town.
6. Town policy is to underground utility poles. Allowing a tower like this to be erected conflicts with that policy.
7. Some studies seem to indicate that radio emissions can have health impacts.

Planning Commission Action and Findings

At the conclusion of the hearing, the planning commission denied T-Mobile's application for the following aesthetic reasons:

1. The ASCC unanimously found the proposal aesthetically unacceptable;
2. The arborist's report said that the trees will die in a very short timeframe;
3. Neighbors have objected on aesthetic grounds and none have spoken up in support of the site location;

4. The thin, rocky soils is unlikely to support alternative screening; and
5. The area where the pole is proposed consists of single-family homes in a rural area.

In addition, the planning commission found "that there is substantial evidence in the written record that the proposed antenna would impose an undue visual impact, contrary to the public interest and spirit of the Zoning Ordinance, which is to preserve the natural beauty of Portola Valley, especially in this type of location."

Finally, the planning commission also found that:

1. No significant gap has been demonstrated; and
2. The proposal would not fill a significant gap.

The discussion prior to the final vote indicates that commissioners agreed that the information presented in the peer review report shows a gap in T-Mobile's coverage. However, neither federal law nor court cases to date define precisely what makes a gap "significant." In response to comments offered by T-Mobile and in consideration of the applicant's coverage maps, Town Planner Tom Vlastic stated at the meeting that he would estimate that the antenna would provide in-building coverage to approximately 80-100 homes, less than the number of homes estimated by T-Mobile. (A count conducted after the meeting showed that 81 homes would receive in-building coverage according to T-Mobile's coverage maps.) The planning commissioners felt that this gap was not significant. On this basis, the CUP was denied.

Town Council Consideration and Action

T-Mobile appealed the planning commission's denial on August 5, 2010 (appeal attached) and provided additional information on the appeal to the town on September 17, 2010 (attached). To consider this appeal, the town council must follow the analytical steps outlined below.

Mitigated Negative Declaration (MND)

A Mitigated Negative Declaration (MND) was prepared for this project in accordance with CEQA. The MND is attached. This document was made available to the public on April 1, 2010. The legally required 20 day public comment period expired on April 20, 2010. No comments were received prior to the expiration of the comment period, and the town has not received any comments that are specific to the MND. The town council needs to act on the MND before it can take any other action on the project.

General statements have been made that the town should require an environmental impact report (EIR) for the project. The town may require an EIR if potentially significant environmental impacts could result from the project. Based on all of the comments received, the town planner reviewed the following two items in more detail to determine whether they could be potentially significant and whether the CEQA analysis should be revised: (1) the impact of the antenna on birds; and (2) the aesthetic impact of the project.

Impact on Birds

The Portola Valley Sensitive Biological Resource Study, prepared by an environmental consultant for the town, shows where threatened and endangered species are found in the town. The proposed site is not identified in that study as a nesting site or key habitat for any species of special concern, including birds.

Numerous instances of birds being killed by WCFs have been documented, and various organizations have carried out research to determine the types of towers that are dangerous to birds. The U.S. Fish and Wildlife Service (USFWS), in its publication *The ABCs of Avoiding Bird Collisions at Communications Towers*, states that towers which are very tall, supported with guy wires, and lighted are the most likely to lead to bird collisions. The USFWS recommends that, to avoid problems, towers should be less than 200 feet tall and unlighted. In addition, towers should be constructed to minimize habitat loss around them. The American Bird Conservancy website suggests that constructing towers "inside forests" can "reduce the visibility of a tower, and reduce its potential impact on birds at the same time." Given the 50' or 60' height of T-Mobile's proposed tower and its location on a vegetated site with tall trees, the research and recommendations of the conservation community suggest that bird collisions are unlikely to be significant. Additionally a Memorandum of Understanding executed by several conservation groups, including the Audubon Society, concludes that WCFs less than 350' tall do not require an environmental assessment.

A couple of public comments indicated concern over impacts of the radio frequency (RF) emissions on birds. The town attorney has advised that the federal Telecommunications Act prohibits local agencies from regulating WCFs based on any potential environmental impacts due to RF emissions, as long as those emissions comply with FCC regulations. Both T-Mobile's application materials and the town's peer review conclude that the proposed antenna's RF emissions will fully comply with FCC regulations. Therefore, just as the town is preempted from considering any potential impacts of RF emissions on human beings due to the restrictions of federal law, the town is also preempted from considering any impacts of RF emissions on birds.

Aesthetic Impact

The proposed WCF is not located within an identified viewshed, but is located near and would be visible from several homes. To mitigate the potential impact on these homes, several conditions were developed. These are included in the list of draft conditions attached to this report. First, the antenna would be in the form of a tree, custom-designed to fit with the site (condition j.1). Condition d. would require maintenance of all facilities on site, including the monopine. Finally, several conditions would require significant landscaping and maintenance of that landscaping (conditions d., e., and j.6).

The landscaping plan submitted as part of the appeal package is inadequate and does not fully comply with condition j.6. T-Mobile representatives acknowledge this and have said that the plan only shows the landscaping immediately around the WCF. They are working with Cal Water to develop a full landscaping plan for the site. Approval of the landscaping plan by the ASCC would be required before any equipment could be installed at the site.

With the recommended conditions, landscape efforts at the site (including site preparation for planting) would be significant. Given the general site and area setting, we believe it can be concluded that, with the proper installation and maintenance of the screening that would be required by the proposed conditions, the aesthetic impacts of the project will not be significant once the mitigation measures requiring landscaping are fully implemented.

Based on these additional analyses, we believe that the MND appropriately discloses the potential environmental impacts of the project. With the recommended mitigations, the council can conclude that the project would not have significant environmental impacts and can approve the MND. However, the council should not approve the MND if the council intends to deny the Conditional Use Permit on aesthetic grounds, since the MND finds that the project, with required mitigation, does not have significant aesthetic impacts.

Conditional Use Permit

After action has been taken on the MND, the council should then consider the eight findings set out in the zoning code that must be made in order to issue a conditional use permit (CUP).

- 1. The proposed use or facility is properly located in relation to the community as a whole and to land uses and transportation and service facilities in the vicinity.*

The proposed WCF would be located on Cal Water property located at the southwestern corner of the intersection of Golden Oak Drive and Peak Lane. The site currently contains a 750,000-gallon water tank facility. The site is surrounded by residential properties. Some commissioners and members of the public said at the July 7th meeting that they do not believe the antenna is properly located because the site is in a residential area.

Another view is that the facility is properly located because it would provide service to an area that has a gap in T-Mobile wireless coverage. The expanded service would accommodate not only current and future T-Mobile customers in town, but also visitors and those who provide local services, such as contractors, gardeners, delivery companies and others offering support services to town residents within the expanded coverage area.

- 2. The site for the proposed use is adequate in size and shape to accommodate the proposed use and all yards, open spaces, walls and fences, parking, loading, landscaping and such other features as may be required by this title or in the opinion of the commission be needed to assure that the proposed use will be reasonably compatible with land uses normally permitted in the surrounding area and will insure the privacy and rural outlook of neighboring residences.*

The proposed site is relatively level and the improvements can be installed with minimum grading or impacts on existing site vegetation. Construction access

and staging should be readily accomplished with minimum site impacts and the construction process should not be long or complicated.

As was determined through the ASCC review process, some of the screen planting anticipated with approval of the water tank CUP has not survived. The largest gap is along the boundary with the Kelly property where a number of redwoods were installed but do not appear to have survived.

Arguably, the monopine is compatible with the existing 750,000-gallon water tank, and, like the water tank, T-Mobile provides services now considered necessary by town residents. Most residents in town have cell phones and the use of such devices for data and other communication needs is expanding. At the same time, some residents of the area have argued that they would prefer other, even less efficient, options if they resulted in less aesthetic impacts associated with a pole antenna. A number of conditions have been developed by staff to minimize the impact of the pole antenna, should it be approved. These conditions are attached.

Perhaps the most important condition that would help to preserve and improve the aesthetics at the site and the rural outlook would be implementation of a significantly enhanced screen landscape plan. A plan with a tier of planting that includes some large materials, all to be planted at the time the monopine is installed, would not only screen the lower portions of the monopine and the equipment enclosure, but also the existing open gaps in the views from neighboring residences to the water tank. If such a plan were effectively implemented, including necessary site preparation, and the maintenance of the materials guaranteed, it might be concluded that the project would meet the test of insuring the rural outlook.

3. *The site for the proposed use will be served by streets and highways of adequate width and pavement type to carry the quantity and kind of traffic generated by the proposed use.*

Given the nature of the proposed use and the infrequent access needed for facility maintenance, streets and roads appear to be adequate for the use.

4. *The proposed use will not adversely affect the abutting property or the permitted use thereof.*

The three neighbors immediately abutting the Cal Water site all conclude that they would be adversely impacted. The ASCC concluded that due to the current condition of the site neither of the pole options resulted in a design that the committee could recommend aesthetically. If the recommended conditions were fully and effectively implemented, the potential aesthetic impacts could be minimized, but the monopine would still be visible to neighbors who have characterized it as an "unacceptable" and "fake" tree, whose design is not compatible with the rural character that brought them to town and to this neighborhood. These comments and those from others, including the petition that was presented to the planning commission, all express the aesthetic concerns about this project.

To mitigate the aesthetic impacts, the town can require the monopine to be custom-designed to be of the highest character and quality so that it will fit with the vegetation in the area. In addition, the town can mandate significant screen planting to ensure screening of the monopine and enclosure. By requiring Cal Water to be party to the landscape plan, the town can also require enhanced screening of the water tank to enforce their use permit. With these measures, it might be possible to conclude the project would not have potential for adverse aesthetic impacts.

Neighbors have also expressed concern about impacts on property values. Impacts on property values because of the visual presence of the antenna may be considered. However, as discussed in the town attorney's memo, impacts on property values due to RF emissions may not be considered by local jurisdictions when making land use decisions.

5. *The site for the proposed use is demonstrated to be reasonably safe from or can be made reasonably safe from hazards of storm water runoff, soil erosion, earth movement, earthquake and other geologic hazards.*

The site is designated Sbr, stable bedrock, on the town's map of land movement potential. This is the most stable slope stability category. The site is not in a flood plain nor is it on unstable slopes. Thus, if the final building permit design is based on appropriate engineering criteria, the installations will be reasonably safe from natural hazards. All building permit requests would be subject to normal review by the building official, town geologist and public works director. Further, a proposed CUP condition specifically requires design parameters for safety.

6. *The proposed use will be in harmony with the general purpose and intent of this title and the general plan.*

The major community goals of the general plan are set forth in Section 1010. The project appears to be consistent with most of these goals. Goal 3 is the goal whose compatibility with the antenna is most debatable. This goal is

To conserve the rural quality of Portola Valley and maintain the town as an attractive, tranquil, family-oriented residential community for all generations compatible with the many physical constraints and natural features of the area.

The term "rural quality" is further defined as minimal lighting and man-made noise, man-made features which blend in with the natural environment, an overall impression of open space, narrow roads, unobtrusive property entrances, minimal fencing, the ability to maintain horses on private properties, paths and trails throughout the town, and agricultural pursuits in appropriate locations. The intent of this goal would be better served if there were no antenna because an area without a WCF has more "rural quality" than an area with a WCF. However, the general plan does not prohibit man-made structures or "features", but only calls for them to blend in with the natural environment. Requiring the monopine to be custom-designed and screened with new and well-maintained landscaping will all help the WCF to blend in with its site. If the design of the tree and the

landscaping can sufficiently "blend" the antenna in with the site, the project will be compatible with the purpose and intent of the general plan.

The purpose of the town's zoning ordinance is set forth in Section 18.02.020. The proposed use would not conflict with preventing overcrowding, maintaining open space, protecting traffic safety, providing adequate light and privacy, minimizing silting of drains, securing safety from dangers, and protecting the community from excess storm water.

Two purposes of the zoning ordinance, however, deserve further discussion. These two purposes are:

- "To protect the established 'rural' quality and the stability of private and public areas within the town and assure the orderly and beneficial development of such areas." (Section 18.02.020.B)
- "To preserve and enhance the natural beauty of the town." (Section 18.02.020.F)

The proposed WCF will be visible from neighboring properties. Viewing parts of a pole or an artificial tree is arguably consistent with neither the rural quality nor the natural beauty of the town. The custom design of the tree and the enhanced landscape screening, however, will help the antenna blend into the site. As a result, the proposed WCF may have less impact on the town's rural quality and natural beauty than existing utility poles in the area.

A visual inspection of the neighborhood shows that there are a large number of power poles along the streets in the area. In fact, this is the case throughout most of the town. These wood poles are located within the public right of way and are highly visible along the street corridors. The poles not only support the wires that are strung along and across the streets, but also a number of other pieces of equipment. The poles vary in height, but many appear to be approximately 40' tall or taller. Two are located along the Golden Oak Drive frontage to the subject water district property and utility lines are strung along this parcel boundary. Most people we have talked with take the poles for granted and are not very aware of the number or height of the poles or what equipment is attached to them.

Further, Section 18.36.020.D of the zoning code allows WCFs as conditional uses in all zoning districts as long as it is to primarily serve the town and its spheres of influence. In this case, the WCF will provide wireless service to an area entirely within the town. The town's zoning ordinance recognizes that WCFs are needed and allows them to be considered in all zoning districts subject to the CUP provisions.

7. *When this title or the town general plan specifies that a proposed use shall serve primarily the town and its spheres of influence, the approving authority must find that it is reasonable to conclude, based on the evidence before it, that the proposed use will meet a need in the town and that a majority of the clientele of the proposed use will come from the town and its spheres of influence within the near future, normally no more than two years. In general, in making such finding, the approving authority shall, in addition to other*

information, explicitly take into consideration all similar uses in the town and its spheres of influence.

As described on the WCF coverage map, the specific objective of this proposal is to fill a T-Mobile service gap in the town. This would address the wireless voice and data needs of current town residents, visitors, construction workers, landscapers, and others providing service to residents. If the pole is designed to serve up to three carriers, as was suggested by the ASCC, the monopine would be able to serve additional local residents in the future without additional aesthetic impacts. Since coverage provided by the proposed antenna is located completely within the town, the antenna would meet the requirement of serving primarily the town and its spheres of influence.

8. *For wireless communication facilities, that the proposed site location and facility design have the least adverse impact when compared with other feasible alternatives.*

Both the ASCC and the planning commission requested additional information about other feasible alternatives to the project. According to both T-Mobile and the town's peer review study, microcells and DAS would not provide adequate service. These approaches will generally provide coverage along streets, but will not provide sufficient in-building coverage.

Also, the microcell and DAS approaches would have aesthetic impacts of their own. Both would require mounting additional equipment on and next to utility poles in street corridors. This could prevent undergrounding of utilities and, in some places, could possibly even require the construction of additional poles along the street corridor. The aesthetic impacts of this type of solution could potentially be similar to or more than the aesthetic impacts of a monopine, especially if other carriers pursued similar approaches. The opportunity exists to significantly improve the aesthetics of the water tank site by requiring additional landscaping as a condition (this is something that is not possible with adding significant antenna equipment on existing and new utility poles in the public right of way).

The town also asked T-Mobile about alternative locations. In particular, the town asked whether the WCF could be accommodated at the Priory along with other carriers' antennas. Because the Priory is located on relatively flat ground along a major arterial, and further away from single-family homes, the aesthetic impacts of a WCF in that location would be considerably less. However, in order to eliminate the coverage gap, the WCF at the Priory would need to be nearly 200' tall. A pole of that height would have significant aesthetic impacts. Additional locations are discussed in the new information provided by T-Mobile with the appeal letter. No other potential feasible locations were identified.

Additionally, some residents have raised the question of another alternative, which involves people installing repeaters or femtocells in their homes in order to provide in-building wireless coverage. These femtocells are wired to an internet connection, and then serve as mini cellular towers operating within a home. Femtocells are similar to wi-fi access points but provide cellular service rather

than wi-fi access. Most operators charge a fee, either one-time or monthly, to femtocell users, in addition to the cost of the internet connection. Verizon, AT&T, Sprint and Vodafone have all launched femtocell service. However, T-Mobile states that they "do not provide femtocell technology."

Although femtocells can be an alternative to a cellular tower for users, the 9th Circuit Court of Appeals recently found that these devices were equivalent to a "global system for mobile communications" and their availability "has no effect on the significant gap in T-Mobile's cell phone coverage." *T-Mobile USA v. City of Anacortes* (9th Cir. 2009) 572 F.3d 987. This means that if the town accepts that T-Mobile has a significant gap in their coverage, femtocells cannot be considered as an alternative means for filling the gap. The peer review analysis also confirms that the femtocell technology is not supported by the T-Mobile network.

Based on available data, the monopine option, subject to the recommended conditions, may be the alternative with the least adverse impacts. At its July 7th meeting, the planning commission concluded that a single pole option would be the least intrusive way to fill the gap.

If the town council concludes it **can** make each of these eight findings, the council should move to make the findings required by Municipal Code Section 18.72.130 (zoning) and approve the proposed CUP for the WCF. A number of possible conditions are attached which the council can use to minimize the impacts of the project.

If the town council concludes it **cannot** make these CUP findings, the council then needs to consider (1) whether the WCF will fill a "significant gap" in T-Mobile's coverage and (2) whether the proposed WCF is the "least intrusive means" of filling the gap. These requirements are based on the federal Telecommunications Act (TCA). For a discussion of the TCA and legal framework for this analysis, please see the town attorney's memo.

Significant Gap

Both T-Mobile's data and the town's peer review of that data agree that there is a gap in T-Mobile's wireless coverage. However, there is no bright-line definition of what constitutes a "significant" gap in a cellular provider's coverage. The council must consider the facts to make a decision as to whether or not the gap is significant. As detailed in the town attorney's memo, courts have considered seven different factors in determining whether or not a gap is significant. The council should consider these seven factors when making its decision on the T-Mobile appeal and deciding whether or not the gap is "significant". The town attorney has advised that no court has found that all factors, or even any specific factors, need to be present. Courts have concluded that a gap is significant even if only one factor applies.

1. Does the gap affect a significant commuter highway or railway?

The only commuter highway near Portola Valley is I-280. According to T-Mobile's coverage maps, I-280 is not affected by the gap. There are no railways in Portola Valley.

2. What is the nature and character of the area or the number of potential users in the area?

At the planning commission's July 7, 2010 meeting, commissioners and some citizens described the area in question as rural. Cell phone coverage is not expected to be as complete in rural areas, and gaps in rural areas may be less significant than gaps in urban areas. T-Mobile's appeal submittal states that "the characterization of the area as 'rural' is in error and without substantial evidence" because the Census Bureau classifies the area as being within the San Francisco-Oakland Urban Area (p. 7). To address this question, we looked at other definitions of "rural."

The California Health and Safety Code defines rural area as "any open country or any place, town, village, or city which by itself and taken together with any other places, towns, villages, or cities that it is part of or associated with: (a) has a population not exceeding 10,000; or (b) has a population not exceeding 20,000 and is contained within a nonmetropolitan area. 'Rural area' additionally includes any open country, place, town, village, or city located within a Standard Metropolitan Statistical Area if the population thereof does not exceed 20,000 and the area is not part of, or associated with, an urban area and is rural in character." (Section 50101) Because of the town's proximity to Palo Alto, Menlo Park, and the more urban parts of the Bay Area, the town does not appear to meet this definition of rural.

The U.S. Department of Housing and Urban Development (HUD) defines rural as: (1) a place having fewer than 2,500 inhabitants; (2) a county or parish with an urban population of 20,000 inhabitants or less; or (3) any place with a population not in excess of 20,000 inhabitants and not located in a Metropolitan Statistical Area. The town also does not meet any of these definitions of rural.

While the town is not "rural" according to these definitions, the town is also clearly quite different in character and density from developed urban areas such as San Francisco and Oakland, or even downtown Redwood City or Palo Alto. The town has rural qualities and has determined that protecting these qualities is essential to the town's nature and character. This is one of the town's major community goals, as described in Section 1010.3 of the Portola Valley General Plan. The town's nature is described further in Section 2013.1, which states that the planning area should

have the low intensity of development which is appropriate to its location on the fringe of the urban area of the Peninsula and should provide a transition between urban densities of adjoining communities and non-intensive land uses west of the skyline."

At the same time, the general plan acknowledges in Section 1007 that the town is "closely tied to other parts of the San Francisco Bay Area." The area is indisputably a low-density single-family residential neighborhood, with rural qualities, which is located near the edge of an urban area that includes Palo Alto, Stanford University, and Silicon Valley.

According to the coverage maps submitted by T-Mobile, the proposed WCF would provide in-building service for an area of approximately 100 acres, which includes 81 parcels in-vehicle coverage to an additional 63 parcels, and on-street coverage to an additional 90 parcels. The area that would receive coverage from the proposed antenna includes a total of 234 parcels. A map showing the coverage areas overlaid on the town's parcel base map is available at the town planner's office. Since there are approximately 1,844 dwelling units in town, this antenna would provide coverage to approximately 13% of the town's homes. The average household size in town is 2.58

people per household (from the U.S. Census, SF1 Table 17); therefore, approximately 604 residents could be served, as well as any visitors, contractors, or household staff. These residents comprise approximately 14% of the town's total population (4,462 per the 2000 Census).

In Exhibit E of their appeal, T-Mobile estimates that approximately 400 residential parcels will benefit from new outdoor service from the site. When asked about this estimate, T-Mobile said that this estimate was based on a broader signal that could be used for E911 service. This coverage is expanded from the in-building coverage that was the focus of the planning commission hearing. E911 service is considered further below as part of factor # 7 concerning public safety.

3. Are the facilities needed to improve weak signals or to fill a complete void in coverage?

According to the propagation maps submitted by T-Mobile and analyzed in the peer review, there is a void in coverage in the gap area. Coverage shown by the drive tests is discussed below.

4. What do the drive tests show?

The drive test conducted on July 7, 2010 by RCC (report attached) shows some on-street coverage within the gap area and occasional in-vehicle coverage in scattered small places. The report says that "[w]hile portions of the target area offer limited on-street coverage, much of the area does not have signal levels sufficient to access the T-Mobile network reliably, even at street level." Therefore, people would generally not be able to make or receive calls on the T-Mobile network, or will be subject to dropped calls.

5. Does the gap cover well-traveled roads on which customers lack roaming capabilities?

The circulation element of the town's general plan classifies three roads (Cervantes Road, Peak Lane, and Golden Oak Drive) within the gap area as minor collectors, which are designed for shorter distance local trips. Discussions with the Public Works Director and review of speed survey traffic counts for Cervantes Road indicate that there are approximately 600 vehicle trips per day, not including trips on the portion of Cervantes near Shawnee Pass that serve the school. If all of those 600 trips were to occur between 7 AM and 8 PM, there would be on average 46 vehicles every hour, which is about one car every 1.3 minutes. Traffic on Peak Lane and Golden Oak Drive would be expected to be no more than on Cervantes Road. These three minor collectors are important access and service roads in this residential neighborhood, but have relatively light traffic compared to Alpine Road, where one car would pass by approximately every 6 seconds, or similar roads in the more urbanized portions of the Peninsula.

Roaming occurs when a cell-phone user is able to "visit" another service provider's network and use that network for a fee when the home network is not available. For example, if a T-Mobile customer can access the AT&T cellular network to make or receive a call in the gap area, that customer would be roaming. For a customer to be able to access another provider's network, three conditions need to be met: 1) the other network needs to provide coverage; 2) the technologies used by the two providers need to be compatible, and 3) there needs to be a roaming agreement in effect between the two providers. According to online coverage maps, AT&T, Verizon and Sprint all provide coverage in the gap area. The town's peer review consultant has indicated that T-Mobile's phones are not compatible with Verizon or Sprint, although they are compatible

with AT&T's technology. AT&T's coverage map shows moderate coverage in the area, which means on-street coverage. T-Mobile's online coverage map indicates that service is available in the gap through a partner. According to their website, T-Mobile charges \$0.49 per minute for roaming services.

Because the 9th Circuit court has said that a significant gap is based on a single provider's coverage, the town cannot conclude that there is no gap because of the fact that T-Mobile customers can roam on other networks. The availability of roaming may be relevant to how significant a gap is, however.

6. Does the gap affect a commercial district?

The gap does not affect a commercial district.

7. Does the gap pose a public safety risk?

Cell phone coverage can help with public safety in two ways. First, cell phones can be used to call 911 when a landline is not available, such as from a road or trail. Exhibit E of T-Mobile's appeal documents states that there is a significant gap in E911 service which will be filled by the proposed WCF, and that equestrians and pedestrians on the town's trails will benefit. Federal law requires that all wireless 911 calls be relayed to a call center, even if the caller is not a customer of the service provider. As was explained above in the discussion on roaming for factor #5, T-Mobile and AT&T use the same technology, which means that pedestrians and equestrians in the gap area should be able to call 911 and receive service, through AT&T, even if they are T-Mobile customers. Through roaming, the 911 responders would also be able to return a call to a T-Mobile phone. Similarly, if this facility is constructed, AT&T users would be able to access 911 through the T-Mobile network and receive callbacks with roaming if the AT&T network were unavailable. However, without a roaming agreement, responders would not be able to call someone back. Therefore, adding T-Mobile service to the gap area will not provide new 911 service, but will improve the existing service.

The second way that cell phones can assist with public safety is by providing communication after a major disaster, such as an earthquake, when land-based service may be unavailable for several days. Of course, cell phone coverage could be affected by an earthquake as well. However, having more carriers serving an area would increase the likelihood that at least some wireless telecommunications would be available after a disaster. Having T-Mobile coverage in this area could, therefore, be beneficial after an earthquake or other natural disaster and this could be enhanced with collocation of at least one additional carrier on the proposed pole or faux tree.

Conclusion

Based on the seven factors described above and the facts associated with this application, the town council needs to determine whether there is a significant gap in T-Mobile's coverage. If there is not a significant gap, the council may deny the application. If there is a significant gap, the question then becomes whether the proposed WCF is the "least intrusive means" of filling that gap.

Least Intrusive Means

The ASCC and planning commission requested and considered information from T-Mobile regarding alternatives to the proposed WCF to determine if the proposal was the

"least intrusive means" of filling the gap. These alternatives included different sites and different technologies. As is explained in both the information from T-Mobile and the RCC peer review report, none of the alternative sites would provide sufficient coverage within the gap area. Two alternative technologies could be used to provide coverage on the street (micro-cells and DAS), but neither would provide sufficient coverage within buildings. Also, both of these technologies would have aesthetic impacts of their own because both need to be affixed to utility poles and could require additional poles in the right-of-way. These aesthetic impacts could be as great or greater than those from the proposed project. For these reasons, the planning commission agreed that the proposed monopine, with the requirements for a custom design and surrounding landscaping, would be the least intrusive approach to filling the gap.

We believe that the council can conclude that the project with the 60' monopine, as recommended by the ASCC, is the least intrusive means of filling the gap. At the same time, we also believe that the council could conclude that the alternative plan for a 50' monopole, painted a dark color to match that of utility poles in the area, could also be aesthetically acceptable. During the planning commission review, the applicant said that with a monopole, a slimmer pole with a diameter of less than 36 inches would be possible, which would further reduce the visual impacts of the pole. In both cases, the attached conditions would be recommended, with some revisions to condition "j." if a monopole were approved rather than a monopine.

Resolution

The town's zoning ordinance requires the town council to act on this item by resolution. In making decisions on each of the four aspects of this application (the MND, the CUP, the significant gap, and the least intrusive means), council members will need to carefully articulate the reasoning behind their decisions. Staff will then use this reasoning to carefully craft a resolution for the council's final action. This resolution will be brought back to the town council on the consent agenda for the next meeting.

KK/TCV/LFP

Attachments:

1. Possible conditions of approval
2. Project plans, dated 2/2/2010
3. T-Mobile's updated application package, dated 3/16/2010
4. T-Mobile's supplemental information, dated 3/31/2010
5. Project plans, dated 7/2/2010
6. Portola Valley's wireless policy statement
7. Peer review report from RCC, dated 7/1/2010
8. Supplemental peer review report from RCC, dated 7/7/2010
9. Minutes of 7/7/2010 planning commission meeting
10. T-Mobile appeal letter, dated 8/5/10
11. T-Mobile appeal submittal, dated 9/17/10
12. Mitigated Negative Declaration for the project

cc. Leslie Lambert, Planning Manager
Denise Gilbert, Planning Commission Chair
Sandy Sloan, Town Attorney
Greg Guerrazzi, ZON Architects, representative for the applicant
Paul Albritton, attorney for the applicant
Angela Howard, Town Manager
ASCC

**Possible Conditions of Approval for
T-Mobile Wireless Facility at Golden Oak and Peak Lane, Application X7D-170
(to be considered if the town council finds it can support the appeal)**

Notes:

- The possible conditions suggested below were drafted to apply to a 60' monopine antenna with a 20' x 20' enclosure and room for two additional carriers to collocate on the monopine.
- Information provided in the appeal submittal and clarifications from T-Mobile indicate that a 60' antenna would only accommodate one additional carrier, and that up to 70' could be needed for two. Their proposed 15' x 15' enclosure would provide space only for T-Mobile's equipment; the enclosure would need to be enlarged to provide for other carriers. Several of the conditions below (conditions g, j.2, and j.3) would therefore need to be modified depending on whether the council would want to require a larger antenna and enclosure now in order to provide for future collocation.
- Certain conditions (conditions j, j.1, j.2, and j.3) would need to be modified if a monopole were preferred instead of a monopine.

Possible Conditions:

- a. This conditional use permit shall be issued to T-Mobile West Corporation, but shall run with the land and be binding on any future owner of the wireless facilities. The permit shall be valid for a period of 10 years, but shall be reviewed, unless otherwise noted, every two years by the planning commission for conformity with the conditions of the permit. T-Mobile 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.
- b. T-Mobile may request an extension of the 10-year life of this 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 reserves the right to require replacement of the monopine facilities if less intrusive service alternatives are available as a condition of extending the life of the use permit.
- c. If the wireless facilities are transferred to another owner, the town shall be notified as soon as possible after the transfer has been recorded.
- d. Prior to installation of the facilities, T-Mobile and California Water Service Company shall enter into an agreement with the town guaranteeing maintenance of the site and facilities, including required landscaping, and removal of the monopine/pole and other wireless facilities if they are no longer used. This agreement shall be to the satisfaction 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 10-year use permit life unless the permit has been extended by the planning commission as provided for in condition b. Bonds or other sureties shall be provided to cover the guarantees called for in this condition to the satisfaction of town staff.
- e. The maintenance agreement required pursuant to condition d. 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 by the ASCC pursuant to landscape plan approval called for in other conditions of this permit.
 - f. Within six months of the installation of the wireless facilities and thereafter on an annual basis, the permittee shall furnish data to the satisfaction of town staff verifying compliance with town noise ordinance standards and all FCC requirements including radio frequency emission standards. If standards are exceeded, the permittee shall advise of the steps to be taken to bring the facilities into compliance, and the town shall then be advised when compliance has been achieved. Unless compliance is achieved within 60 days, the town may take steps to revoke or modify the conditions of this permit. At its discretion, the town may require independent peer review of the data required by this condition, and T-Mobile or any future owner of the wireless facilities shall be responsible for the costs of such peer review.
 - g. T-Mobile or any future owner of the facilities shall allow for collocation of up to two additional wireless carriers on the facility, for a total of no more than three carriers. Further, California Water Service shall provide a written agreement to the satisfaction of the town attorney stating that it understands only a maximum of three carriers would be accommodated on the site, with necessary antennas on the one monopine/pole and ground-mounted equipment located pursuant to a plan to be developed to the satisfaction of the ASCC, as provided for in the other conditions of this permit.
 - h. The building permit for the installation of the monopine/pole shall be subject to review and approval through the town's normal building permit process, including approvals by the town geologist and public works director. With the permit submittal, the plans shall include data developed by a licensed structural engineer verifying that the facility is designed to withstand the "maximum credible earthquake" and maximum anticipated wind loads at the site. This data shall be to the satisfaction of the town geologist and public works director.
 - i. 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.
 - j. Prior to issuance of any permits for the wireless facilities, the proposed plans for the monopine shall be revised to conform to the following criteria to the satisfaction of the ASCC. ASCC consideration of the plans for conformity with the criteria shall be at a noticed ASCC meeting.
 - 1) The pole shall be the "monopine" option with the "tree" design custom prepared to fit the site conditions. The final design shall ensure that the tree,

- form, color and location of mounted antenna call minimum attention to the facility.
- 2) The monopine shall be of sufficient height (i.e., approximately 60 feet) and design to accommodate collocation of three carriers. The plans and design shall include provisions to ensure that color and general characteristics of the final "tree" are maintained over the life of the permit.
 - 3) The equipment enclosure area shall be sized for the three carriers and landscaping provided now in anticipation of the full enclosure size. Specifically, the equipment area shall be identified and screened so that, when a future carrier proposes collocation, it can be accomplished without any impact on the established screen landscaping. All aspects of the equipment enclosure, including final location and size, shall be specified to the satisfaction of the ASCC.
 - 4) The monopine shall be located further to the southwest than the location identified for the monopole plan and further away from the top of the slope along Peak Lane. The location shall be as close to the water tank as possible.
 - 5) The final location and design for the equipment enclosure shall be selected to minimize its visual presence to offsite views and accommodate future collocation conditions.
 - 6) A detailed landscape plan shall be prepared and implemented that includes implementation of all the project arborist's recommendations to improve the condition of existing trees. The plan shall enhance screening from particularly the northeast (Vedder side), northwest (Kelly side) and southwest (Fanton side) boundaries. The plan shall include a mix of trees and native shrubs with larger size trees in key view corridors. The intent of the plan shall be to not only screen and soften views to the antenna but also fill gaps where there are more open views to the water tank (i.e., achieve more site screening as anticipated with the conditions of California Water Service Company water tank CUP X7D-136). The plan shall include provisions for planting that include all those necessary to ensure a favorable growing environment for new material and new planting in anticipation of possible loss of existing screen trees. Further, provisions shall be made to guarantee landscape maintenance.
 - 7) The final plans shall ensure that necessary site security measures, including equipment enclosure fencing, don't eliminate the opportunities for the site to be crossed by walkers or animals in the area.
- k. Any emergency generators on the site shall be tested no more than necessary and only during weekday daylight hours.
- l. As new technology becomes available, the permit holder 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

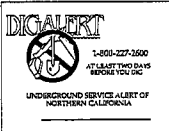
the time of each required two-year review, the applicant shall provide a report to the planning commission on the state-of-the art as to wireless service and less intrusive technology that is available. If the information demonstrates that less intrusive technology is readily available or becoming available, 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 set forth by the town attorney.

T-Mobile West Corporation

1855 GATEWAY BLVD., 9TH FLOOR
CONCORD, CA 94520

SF13134G GOLDEN OAK WATER TANK

GOLDEN OAK DR. & PEAK LN
PORTOLA VALLEY, CA 94028



CODE COMPLIANCE

ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUCTED TO PERMIT WORK NOT CONFORMING TO THESE CODES.

- CALIFORNIA CODE OF REGULATIONS
- 2007 CALIFORNIA BUILDING CODE
- 2007 CALIFORNIA MECHANICAL CODE
- 2007 CALIFORNIA PLUMBING CODE
- 2007 CALIFORNIA ELECTRIC CODE
- ANY LOCAL BUILDING CODE AMENDMENTS TO THE ABOVE
- CITY/COUNTY ORDINANCES

HANDICAP REQUIREMENTS:
FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. HANDICAPPED ACCESS NOT REQUIRED IN ACCORDANCE WITH CALIFORNIA ADMINISTRATIVE STATE CODE PART 2, TITLE 24, CHAPTER 113, SECTION 11035.

PROJECT DESCRIPTION

TO BUILD AND INSTALL A T-MOBILE WIRELESS FACILITY, WHICH WILL INCLUDE INSTALLATION OF UP TO (4) TELECOMMUNICATIONS EQUIPMENT CABINETS AND ACCESSORY EQUIPMENT INCLUDING UP TO (3) PANEL ANTENNAS MOUNTED ON 5' SUBLINE MONOPOLE CONNECTED TO THE CABINETS WITH COAXIAL CABLES.

DRIVING DIRECTIONS

- HEAD SOUTHEAST ON GATEWAY BLVD
- TURN RIGHT TOWARD CLAYTON RD
- TURN RIGHT AT CLAYTON RD
- TAKE THE RAMP ONTO CA-242 S
- MERGE ONTO I-880 S
- TAKE THE EXIT ONTO CA-24 W TOWARD OAKLAND/LAFAYETTE
- CONTINUE ON I-880 W
- MERGE ONTO I-880 S
- TAKE EXIT 27 TO MERGE ONTO CA-92 W W JACKSON ST
- CONTINUE TO FOLLOW CA-92 W PARTIAL TOLL ROAD
- TAKE EXIT 8 TO MERGE ONTO I-880 S TOWARD SAN JOSE
- TAKE THE EXIT TOWARD PORTOLA VALLEY
- MERGE ONTO ALPINE RD
- MERGE ONTO ALPINE RD
- TURN RIGHT AT GOLDEN OAK DR

GENERAL CONTRACTOR NOTES

DO NOT SCALE DRAWING:
CONTRACTOR SHALL VERIFY ALL PLANS AND EXISTING DIMENSIONS AND CONDITIONS ON THE JOB SITE AND SHALL IMMEDIATELY NOTIFY THE ARCHITECT IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.

SHEET INDEX

SHEET	DESCRIPTION
T-1	TITLE SHEET, SITE INFORMATION AND VICINITY MAP
T-2	GENERAL NOTES, LEGEND & ABBREVIATIONS
C-1	SITE SURVEY
A-1	SITE PLAN
A-2	ENLARGED PLANS
A-3	ELEVATIONS
D-1	SIGNAGE & MISC DETAILS
D-2	EQUIPMENTS SPECIFICATIONS
D-3	EQUIPMENTS SPECIFICATIONS
D-4	PICTURES & PHOTO SIMS
S-1	POLE CALCULATIONS
E-1	SINGLE LINE DIG., PANEL SCHEDULE & POLE GROUNDING

APPROVALS

LANDLORD: _____
CONSTRUCTION MANAGER: _____
RF ENGINEER: _____
SITE ACQUISITION MANAGER: _____
ZONING MANAGER: _____
UTILITY COORDINATOR: _____
NETWORK OPERATIONS MANAGER: _____
PROGRAM REGIONAL MANAGER: _____

PROJECT TEAM

ARCHITECT/ENGINEER:
ZON ARCHITECT, INC.
860 4TH STREET #225
SAN FRANCISCO, CA 94107
CONTACT: DAVID ELIAS
TEL: (415) 740-9974
EMAIL: david@zonarchitects.com

APPLICANT/LESSEE:
T-MOBILE WEST CORPORATION
A DELAWARE CORPORATION
1855 GATEWAY BLVD.
TEL: (925) 521 5500

SITE ACQUISITION:
ZON ARCHITECT, INC.
860 4TH STREET #225
SAN FRANCISCO, CA 94107
CONTACT: LEESA GENDEL
TEL: (415) 248-3535
EMAIL: leesa@zonarchitects.com

RF ENGINEER:
T-MOBILE WEST CORPORATION
A DELAWARE CORPORATION
1855 GATEWAY BOULEVARD
SUITE 900 CONCORD, CA 94520
CONTACT: JYOTI RAJ
TEL: (925) 822-3443
EMAIL: jyoti.Raj@t-mobile.com

STRUCTURAL ENGINEER:
4 GROUND DESIGN GROUP INC.
1715 84TH STREET, GROUND FLOOR
EMERYVILLE CA 94608
CONTACT: RODNEY BARNES
TEL: (707) 552-5924
EMAIL: rodney@4ground.com

ZONING MANAGER:
ZON ARCHITECT, INC.
860 4TH STREET #225
SAN FRANCISCO, CA 94107
CONTACT: FRED MUISSEER
TEL: (925) 765-8405
EMAIL: fred@zonarchitects.com

CONSTRUCTION MANAGER:
ZON ARCHITECT, INC.
860 4TH STREET #225
SAN FRANCISCO, CA 94107
CONTACT: HOLLY KIRKPATRICK
TEL: (415) 716-5361
EMAIL: holly@zonarchitects.com

PROJECT INFORMATION

SITE ADDRESS: GOLDEN OAK DR. & PEAK LN.
PORTOLA VALLEY, CA 94028

APN: 79-092-350

PROPERTY OWNER: CALIFORNIA WATER SERVICE
1720 N. 1ST. ST. SAN JOSE, CA 95112
CONTACT: FRED RIGGS
TEL (OFFICE): (408) 367 8200
TEL (CELL): (408) 462 1013

LATITUDE: 37 23'10.28" N

LONGITUDE: 122 12'16.82" W

GROUND ELEVATION: 785 FT.

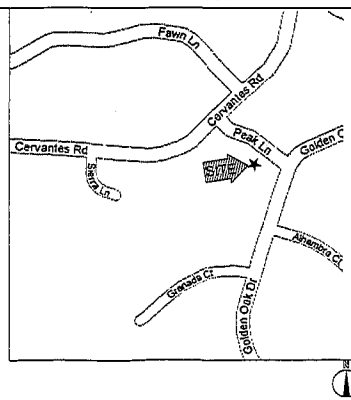
ZONING: R

JURISDICTION: TOWN OF PORTOLA VALLEY
785 PORTOLA RD.
PORTOLA VALLEY, CA 94028
TEL: (650) 851-1701

TELEPHONE: AT&T

POWER: PG&E

VICINITY MAP



T-Mobile West Corporation
A Delaware Corporation

1855 GATEWAY BLVD., 9TH FLOOR
CONCORD, CA 94520

PROJECT INFORMATION:

SF13134G
GOLDEN OAK WATER TANK
GOLDEN OAK DR. & PEAK LN,
PORTOLA VALLEY, CA 94028

CURRENT ISSUE DATE:

2 / 02 / 2010

ISSUED FOR:

ZONING

REV. DATE DESCRIPTION BY:

REV.	DATE	DESCRIPTION	BY
1	2/02/2010	100% ID	MH
2			
3			
4			

PROJECT ARCHITECT/ENGINEER:



ZON ARCHITECTS, INC.
860 4TH STREET #225
SAN FRANCISCO, CA 94107
PHONE: (415) 740-9974
FAX: (415) 324-3532

CONSULTANT:

DRAWN BY: _____ CHK: _____ APV: _____

MH D.E. D.E.

LICENSER:

TOWN OF PORTOLA VALLEY

RECEIVED

SHEET TITLE:

TITLE SHEET, SITE
INFORMATION &
VICINITY MAP

SHEET NUMBER:

T-1

ALTERNATIVE 2

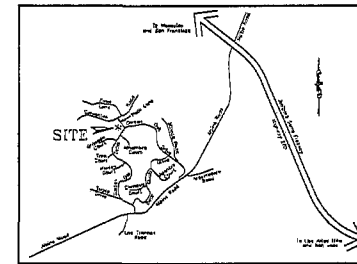
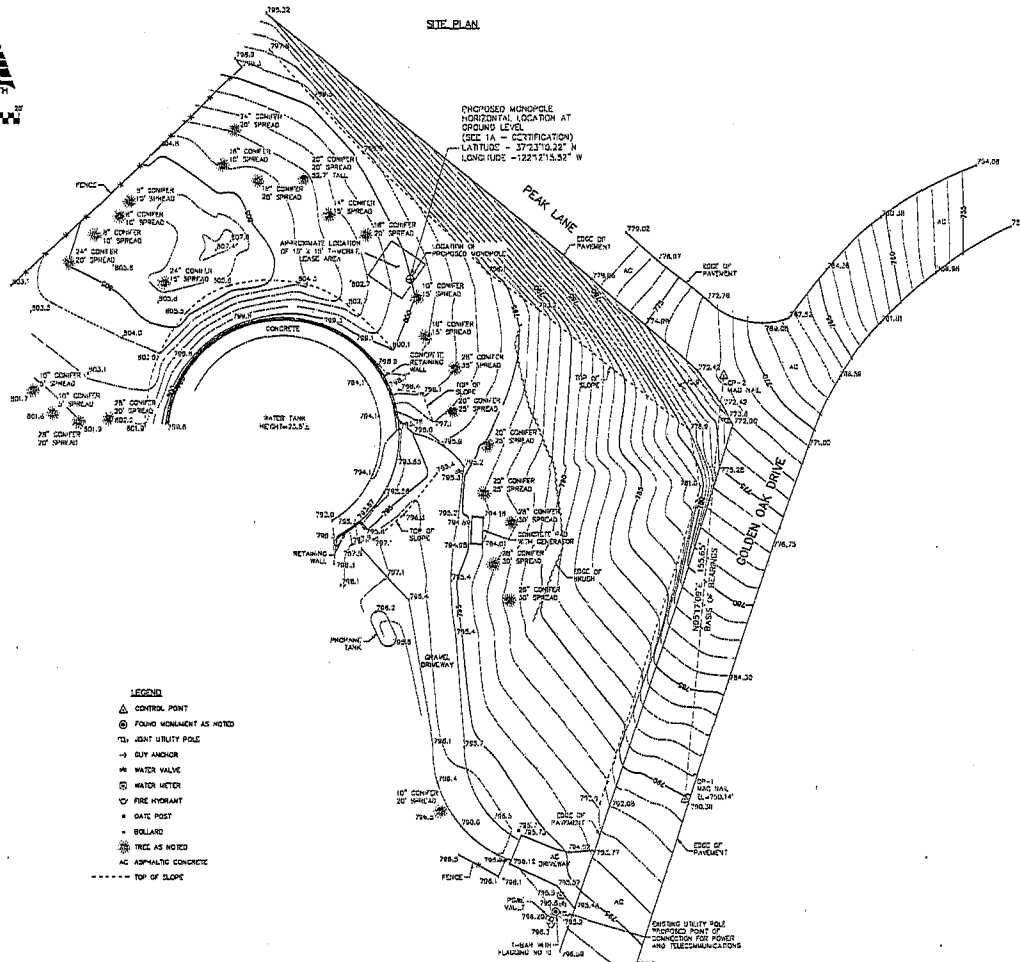
BASIS OF BEARINGS:
THE BASIS OF BEARINGS FOR THIS SURVEY IS ASSUMED BETWEEN CONTROL POINT 1 (CP-1) AND CONTROL POINT 2 (CP-2). THE BEARING BETWEEN CONTROL POINTS BEING NORTH 0517'09" EAST.

BASIS OF ELEVATIONS:
THE ELEVATIONS FOR THIS SURVEY ARE BASED UPON CONTROL POINT 1 (CP-1). THE ELEVATION OF SAID CONTROL POINT IS 790.14 FEET (NAVD-88).

SURVEYOR STATEMENT:
THIS MAP WAS PREPARED UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY CONDUCTED ON AUGUST 30, 2009. I HEREBY STATE THAT THE 1-A CERTIFICATION SHOWN HEREON IS TRUE AND CORRECT.

KONRAD M. STINCHFIELD, L.S. 7873
LICENSE EXPIRES: 12/31/2010

DATE



VICINITY MAP
NOT TO SCALE

1-A ACCURACY CERTIFICATION

THE GEODETIC COORDINATES (NAD-83) FOR THE PROPOSED MONOPOLE:

LATITUDE: 37°21'0.22" N
LONGITUDE: 122°12'15.52" W

THE ELEVATIONS HEREON ARE ABOVE MEAN SEA LEVEL (NAVD-88) AND ARE AS FOLLOWS:

GROUND ELEVATION AT POLE BASE: 800.00 FT.
TOP OF EXISTING POLE: 847.50 FT.
DESIGN TOP OF POLE ELEVATION: 850.00 FT.

THE ACCURACY STANDARDS FOR THIS CERTIFICATION ARE AS FOLLOWS:

GEODETIC COORDINATES: ± FIFTEEN (15) FEET (NAD-83)
ELEVATIONS: ± THREE (3) FEET (NAVD-88)

GEODETIC COORDINATES SHOWN HEREON ARE BASED UPON PHYSICAL OBSERVATIONS TO KNOWN NATIONAL GEODETIC SURVEY (NGS) MONUMENTS. THE COORDINATES PUBLISHED AS OF DATE OF THIS SURVEY ARE FOR SPOON, 0007.00.

ELEVATIONS SHOWN HEREON ARE FROM DIFFERENTIAL LEVELING USING GLOBAL POSITIONING SYSTEMS. DIFFERENTIAL LEVELS WERE DETERMINED FROM PHYSICAL OBSERVATIONS TO KNOWN NGS MONUMENTS WITH NAVD-88 VALUES PUBLISHED BY NGS AS OF THE DATE OF THIS SURVEY.

THE HORIZONTAL LOCATION OF THE PROPOSED MONOPOLE, THE HEIGHT OF THE PROPOSED ANTENNA RAD CENTER, AND THE HEIGHT OF THE PROPOSED MONOPOLE WERE PROVIDED BY ZON ARCHITECTS, INC.

SURVEY NOTES:

1. THIS IS NOT A BOUNDARY SURVEY.
2. PROPERTY LINES AND EASEMENTS HAVE NOT BEEN RESEARCHED, INVESTIGATED, OR SURVEYED AS A PART OF THIS SURVEY.
3. NO PROPERTY MONUMENTS WERE SET DURING THIS SURVEY.
4. THE LOCATION OF EXISTING UTILITY FACILITIES HAS NOT BEEN RESEARCHED. THIS SURVEY DEPICTS ONLY SURFACE EVIDENCE OF UNDERGROUND FACILITIES TO THE EXTENT SPECIFIED BY THE CLIENT. THE CONTRACTOR SHALL CONTACT THE RESPECTIVE UTILITY SERVICE PROVIDER TO OBTAIN INFORMATION REGARDING BURIAL DEPTH AND HORIZONTAL LOCATION OF FACILITIES PRIOR TO CONSTRUCTION. MICHAEL DEQUINE AND ASSOCIATES, INC. ASSUMES NO RESPONSIBILITY FOR THE DELINEATION OF SUCH FACILITIES NOR FOR THE PRESENCE OF, OR LACK OF FACILITIES, WHETHER OR NOT SUCH FACILITIES ARE DEPICTED HEREON.
5. ANY ELECTRONIC DIGITAL MEDIA PROVIDED BY MICHAEL DEQUINE AND ASSOCIATES, INC. TO OUR CLIENT IS FOR CONVENIENCE ONLY. THE FINAL STAMPED, SIGNED, AND DATED ORIGINAL HARDCOPY VERSION OF OUR MAP OR SURVEY IS CONSIDERED TO BE OUR LEGALLY RECOGNIZED PRODUCT. MICHAEL DEQUINE AND ASSOCIATES, INC. ASSUMES NO RESPONSIBILITY FOR THE CORRECTNESS OF ELECTRONIC MEDIA.

T-Mobile West Corporation
A Delaware Corporation

1855 GATEWAY BLVD., 8TH FLOOR
CONCORD, CA 94520

PROJECT INFORMATION:

SF13134G
GOLDEN OAK WATER TANK
GOLDEN OAK DR. & PEAK LN.
PORTOLA VALLEY, CA 94028

CURRENT ISSUE DATE:

2 / 02 / 2010

ISSUED FOR:

ZONING

REV. DATE DESCRIPTION BY:

REV.	DATE	DESCRIPTION	BY:
1	2/02/2010	100% 2D	MH
2			
3			

PROJECT ARCHITECT/ENGINEER:

ZON ARCHITECTS
ZON ARCHITECTS, INC.
950 4TH STREET #225
SAN FRANCISCO, CA 94107
PHONE: (415) 740-8974
FAX: (415) 324-3022

CONSULTANT:

Michael Dequine and Associates, Inc.
2208 Gateway Drive, Suite 100
Concord, CA 94520
Phone: (916) 825-0825
Fax: (916) 825-1008
MD&A JOB NO. 09-0022

DRAWN BY: _____ CHK. _____ APV. _____

MH D.E. D.E.

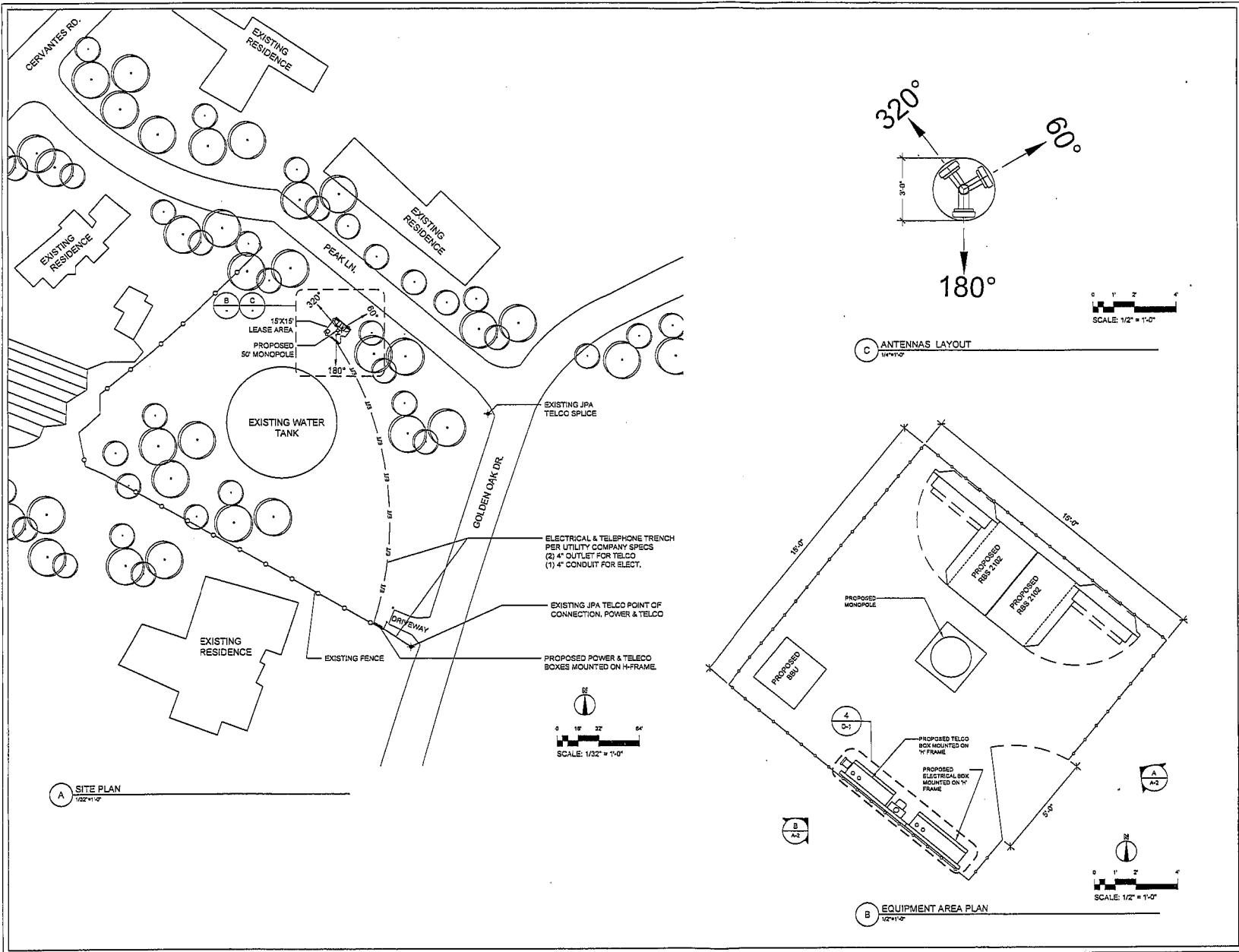
LICENSER: _____

SHEET TITLE:

SITE SURVEY

SHEET NUMBER:

C-1



T-Mobile West Corporation
A Delaware Corporation

1855 GATEWAY BLVD., 5TH FLOOR
CONCORD, CA 94520

PROJECT INFORMATION:

SF13134G
GOLDEN OAK WATER TANK
GOLDEN OAK DR. & PEAK LN.,
PORTOLA VALLEY, CA 94028

CURRENT ISSUE DATE:
2 / 02 / 2010

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△	20220919	100% CD	MH
△			
△			

PROJECT ARCHITECT/ENGINEER:
ZON ARCHITECTS
 ZON ARCHITECTS, INC.
 660 4TH STREET #255
 SAN FRANCISCO, CA 94107
 PHONE: (415) 743-3574
 FAX: (415) 354-3502

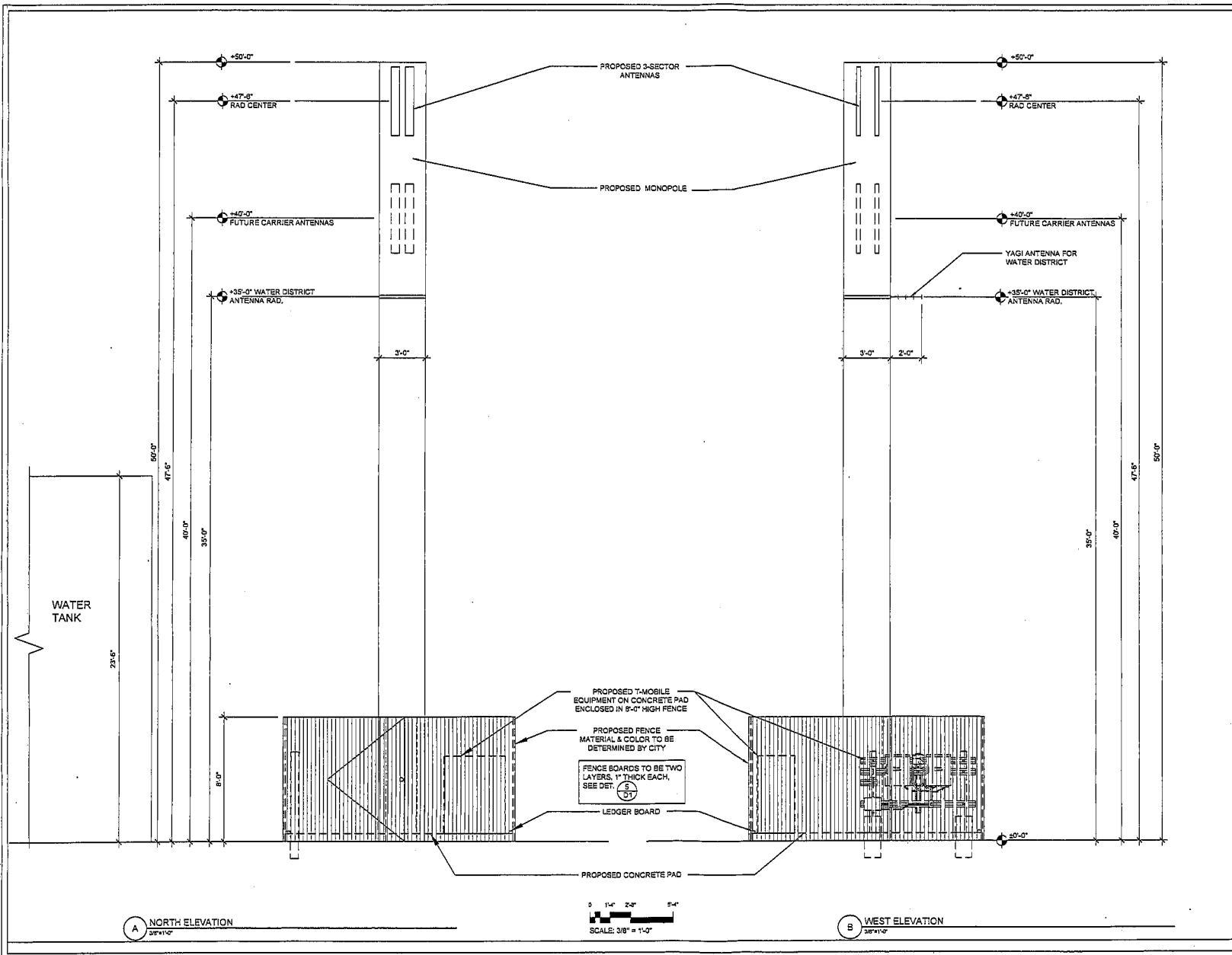
CONSULTANT:

DRAWN BY: _____ CHK: _____ APV: _____
 MH D.E. D.E.

LICENSER:

SHEET TITLE:
SITE PLAN

SHEET NUMBER:
A-1



T-Mobile West Corporation
A Delaware Corporation

1855 GATEWAY BLVD., 9TH FLOOR
CONCORD, CA 94520

PROJECT INFORMATION:

SF13134G
GOLDEN OAK WATER TANK
GOLDEN OAK DR. & PEAK LN,
PORTOLA VALLEY, CA 94028

CURRENT ISSUE DATE:

2 / 02 / 2010

ISSUED FOR:

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REV. DATE DESCRIPTION BY

REV.	DATE	DESCRIPTION	BY
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PROJECT ARCHITECT/ENGINEER:

ZON
ARCHITECTS

ZON ARCHITECTS, INC.
503 4TH STREET #225
SAN FRANCISCO, CA 94107
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FAX: (415) 354-3502

CONSULTANT:

DRAWN BY: CHK: APV:

MH D.E. D.E.

LICENSER:

SHEET TITLE:

ELEVATION

SHEET NUMBER:

A-2

RF SCHEDULE										
SECTOR	MODEL	ANTENNA					COAX			
		QTY	TMA	EDT	MDT	AZIMUTH	SIZE	QTY	LENGTH	
1	ALFA	APX16DWW-16DWW-S-E-A20	1	2	4	0	60°	7/8"	4	±40'
2	BETA	APX16DWW-16DWW-S-E-A20	1	2	3	0	180°	7/8"	4	±40'
3	GAMA	APX16DWW-16DWW-S-E-A20	1	2	3	0	320°	7/8"	4	±40'

NOTICE
GUIDELINES FOR WORKING IN
RADIOFREQUENCY ENVIRONMENTS

- ⚠ All personnel should have electromagnetic energy (EME) awareness training.
- ⚠ All personnel entering this site must be authorized.
- ⚠ Obey all posted signs.
- ⚠ Assume all antennas are active.
- ⚠ Before working on antennas, notify owners and disable appropriate transmitters.
- ⚠ Maintain minimum 3 feet clearance from all antennas.
- ⚠ Do not step in front of antennas.
- ⚠ Use personal RF monitors while working near antennas.
- ⚠ Never operate transmitters without shields during normal operation.
- ⚠ Do not operate base station antennas in equipment room.

T-Mobile West Corporation
A Delaware Corporation
1855 GATEWAY BLVD., 9TH FLOOR
CONCORD, CA 94520

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SF13134G
GOLDEN OAK WATER TANK
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PORTOLA VALLEY, CA 94028

CURRENT ISSUE DATE:
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ISSUED FOR:
ZONING

REV.	DATE	DESCRIPTION	BY
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3			

PROJECT ARCHITECT/ENGINEER:
ZON ARCHITECTS
ZON ARCHITECTS, INC.
660 4TH STREET #255
SAN FRANCISCO, CA 94107
PHONE: (415) 740-9974
FAX: (415) 354-3502

CONSULTANT:

DRAWN BY: _____ CHK: _____ APV: _____
MH D.E. D.E.

LICENSER:

SHEET TITLE:
SIGNAGE & MISC DETAILS

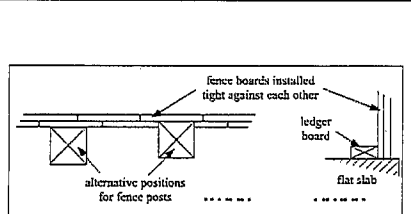
SHEET NUMBER:

D-1

3 RF SCHEDULE

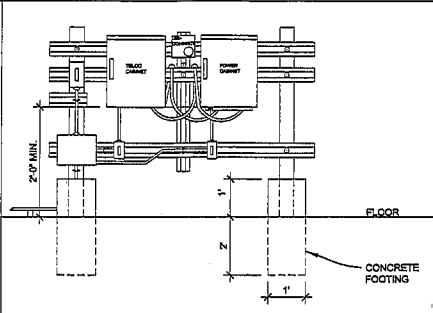
1 RF GUIDELINES NOTICE SIGN

SCALE: N.T.S.
DWG. SIGNAGE



5 FENCE DETAILS

SCALE: 1 1/2" = 1'-0"
DWG.



4 H-FRAME MOUNT DETAIL

SCALE: N.T.S.
DWG.

T-Mobile
A DELAWARE CORPORATION

NOTICE

The radio frequency (RF) emissions at this site have been evaluated for potential RF exposure to personnel who may need to work near these antennas.

RF EXPOSURE AT 3 FEET OR CLOSER TO THE FACE OF THE ANTENNA MAY EXCEED THE FCC PUBLIC EXPOSURE STANDARD AND THIS ONLY QUALIFIED RF WORKERS MAY WORK IN THIS 3 FOOT EXCLUSION ZONE. OTHERS WHO NEED TO WORK IN THE EXCLUSION ZONE SHOULD CALL FOR INSTRUCTIONS. REFER TO SITE # _____

2 RF SIGNAGE

SCALE: N.T.S.
DWG. SIGNAGE

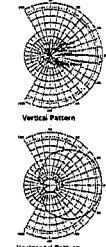
Optimized Panel Dual Polarized Antenna equipped with (2) AISG 2.0 ACU meters

Product Description
A combination of two dual polarized antennas in a single antenna. This type of antenna is an antenna structure designed to provide maximum gain in all directions at all frequencies. This antenna is optimized for performance across the entire AISG frequency band (1710-1755 MHz). The antenna comes pre-connected with two antenna control units (ACU).

- Features/Benefits**
- Variable electrical down tilt - provides enhanced precision in controlling intercell interference. The tilt is initially adjustable to 15 degrees.
 - High Separation of all Upper Sidebands (Typically >30dB).
 - Gain flexibility - difference between AWS UL (1710-1755 MHz) and DL (2110-2155 MHz).
 - Two 3-Polarized panels in a single antenna.
 - Adjusted horizontal beamwidth difference among between AWS UL (1710-1755 MHz) and DL (2110-2155 MHz).
 - Low profile for low visual impact.
 - Dual polarization Broadband design.
 - Includes (2) AISG 2.0 Compatible ACU-ASB-N antenna control units.

Technical Specifications

Electrical Specifications	
Frequency Range	1710-1755 MHz
Bandwidth	44.5 MHz
Gain	17.5 dBi
Efficiency	70%
Return Loss	< -10 dB
Reflection Coefficient	< -15 dB
Isolation	> 30 dB
Sideband Rejection	> 30 dB
Beamwidth	120°
Down Tilt	0° to 15°
Horizontal Beamwidth	120°
Vertical Beamwidth	120°
Antenna Weight	15 lbs
Antenna Dimensions	48" x 48" x 12"
Mounting Hardware	Standard
Material	Aluminum
Finish	Black
Warranty	5 Years



Twin Tower Mounted Amplifier, Dual Duplexed, AWS

Product Description
Designed for use in AWS applications, this unit amplifies base station transmit signals and antenna coverage. Use of these TMA's can increase coverage and reduce a receiver's detection. These TMA's are designed and cover the entire 3.5 GHz in the AWS frequency band. The unit is designed to be mounted on a tower with a 3.5 GHz antenna. It is a key to reduce and prevent RFI noise for network operators. The unit has a rugged design and the design can be used for tower-mounted or ground-mounted systems. Its construction configuration makes the use of a single feeder for both Tx and Rx.

- Features/Benefits**
- Two TMA's in a single enclosure - reduce tower load and installation time.
 - Low noise figure optimizes tower losses and enhances site coverage.
 - Filtering improves Tx to Rx isolation by reducing noise and interference.
 - Quad-stand configuration enables use of a single feeder for both Tx and Rx.
 - Low insertion loss of 10 dB provides increased downlink coverage.
 - Extremely light weight - reduces tower loading and facilitates installation.
 - Equipped with bracket valves - guards against internal condensation.
 - Options: AISG connector location at bottom or top.

Technical Specifications

Electrical Specifications - 1x	
Frequency Range	1710-1755 MHz
Bandwidth	44.5 MHz
Gain	17.5 dBi
Efficiency	70%
Return Loss	< -10 dB
Reflection Coefficient	< -15 dB
Isolation	> 30 dB
Sideband Rejection	> 30 dB
Beamwidth	120°
Down Tilt	0° to 15°
Horizontal Beamwidth	120°
Vertical Beamwidth	120°
Antenna Weight	15 lbs
Antenna Dimensions	48" x 48" x 12"
Mounting Hardware	Standard
Material	Aluminum
Finish	Black
Warranty	5 Years

Twin Tower Mounted Amplifier, Dual Duplexed, AWS

Technical Specifications

System Specifications

Frequency Range	1710-1755 MHz
Bandwidth	44.5 MHz
Gain	17.5 dBi
Efficiency	70%
Return Loss	< -10 dB
Reflection Coefficient	< -15 dB
Isolation	> 30 dB
Sideband Rejection	> 30 dB
Beamwidth	120°
Down Tilt	0° to 15°
Horizontal Beamwidth	120°
Vertical Beamwidth	120°
Antenna Weight	15 lbs
Antenna Dimensions	48" x 48" x 12"
Mounting Hardware	Standard
Material	Aluminum
Finish	Black
Warranty	5 Years

- Features/Benefits**
- Two TMA's in a single enclosure - reduce tower load and installation time.
 - Low noise figure optimizes tower losses and enhances site coverage.
 - Filtering improves Tx to Rx isolation by reducing noise and interference.
 - Quad-stand configuration enables use of a single feeder for both Tx and Rx.
 - Low insertion loss of 10 dB provides increased downlink coverage.
 - Extremely light weight - reduces tower loading and facilitates installation.
 - Equipped with bracket valves - guards against internal condensation.
 - Options: AISG connector location at bottom or top.

Technical Specifications

Electrical Specifications - 1x	
Frequency Range	1710-1755 MHz
Bandwidth	44.5 MHz
Gain	17.5 dBi
Efficiency	70%
Return Loss	< -10 dB
Reflection Coefficient	< -15 dB
Isolation	> 30 dB
Sideband Rejection	> 30 dB
Beamwidth	120°
Down Tilt	0° to 15°
Horizontal Beamwidth	120°
Vertical Beamwidth	120°
Antenna Weight	15 lbs
Antenna Dimensions	48" x 48" x 12"
Mounting Hardware	Standard
Material	Aluminum
Finish	Black
Warranty	5 Years

T-Mobile

Cellular Network Data

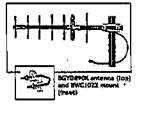
Carrier	Service	Frequency	Bandwidth	Power	Antenna	Mounting	Notes
Carrier 1	Cellular	800 MHz	1.25 MHz	100W	3/8"	Standard	Standard
	Cellular	800 MHz	1.25 MHz	100W	3/8"	Standard	Standard
	Cellular	800 MHz	1.25 MHz	100W	3/8"	Standard	Standard
	Cellular	800 MHz	1.25 MHz	100W	3/8"	Standard	Standard
	Cellular	800 MHz	1.25 MHz	100W	3/8"	Standard	Standard
	Cellular	800 MHz	1.25 MHz	100W	3/8"	Standard	Standard
	Cellular	800 MHz	1.25 MHz	100W	3/8"	Standard	Standard
	Cellular	800 MHz	1.25 MHz	100W	3/8"	Standard	Standard
	Cellular	800 MHz	1.25 MHz	100W	3/8"	Standard	Standard
	Cellular	800 MHz	1.25 MHz	100W	3/8"	Standard	Standard

PCTEL BLUEWAVE ANTENNAS

Yagi Antennas, 890-960 MHz, 10 dBd gain

The KYCIBROK has been engineered to provide high gain broadband performance between the frequencies of 890-960 MHz. Solid 3/8" aluminum elements complement the fully welded chokes on the boom. The black powder coat KYCIBROK comes with a heavy-duty 1/2" x 2" x 1/2" steel feet with a standard N-female connector. High strength mounting clamps is supplied for vertical or horizontal polarization.

- Features**
- Dipole fully-welded to boom
 - Through-boom elements fixed with stainless steel antenna screws
 - Mounting clamp included
 - Antenna is supplied with a 2" pigtail (RG213) and N-female connector



Antenna Electrical Specifications

Model	Frequency	Gain	SWR	Return Loss	Impedance	Dimensions	Weight
KYCIBROK	890-960 MHz	10 dBd	< 1.5	> 15 dB	50 Ohm	12" x 12" x 12"	10 lbs

Mechanical Specifications

Model	Material	Finish	Color	Lead	Lead Length	Velocity
KYCIBROK	Aluminum	Black	Black	3/8"	12"	120 mph

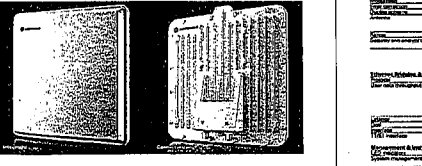
Technical Data

Parameter	Value
Frequency Range	890-960 MHz
Gain	10 dBd
Return Loss	> 15 dB
Impedance	50 Ohm
Material	Aluminum
Finish	Black
Color	Black
Lead	3/8"
Lead Length	12"
Velocity	120 mph

MOTOROLA WIRELESS BRIDGES

PTP 54300 & PTP 58300

5.4 and 5.8 GHz Point-to-Point Bridges



Reliable, Clear-Channel Wireless Ethernet Bridges
The Motorola Point-to-Point Wireless Bridge (PTP) 54300 Series and PTP 58300 Series are designed for high-speed, clear-channel wireless Ethernet bridges. They provide a secure, reliable, and easy-to-deploy solution for connecting remote sites. The PTP 54300 Series is designed for 5.4 GHz and the PTP 58300 Series is designed for 5.8 GHz. Both series support up to 100 Mbps and are designed for outdoor use. The PTP 54300 Series is designed for 5.4 GHz and the PTP 58300 Series is designed for 5.8 GHz. Both series support up to 100 Mbps and are designed for outdoor use. The PTP 54300 Series is designed for 5.4 GHz and the PTP 58300 Series is designed for 5.8 GHz. Both series support up to 100 Mbps and are designed for outdoor use.

PROJECT INFORMATION

1855 GATEWAY BLVD., 9TH FLOOR
CONCORD, CA 94520

SF13134G
GOLDEN OAK WATER TANK
GOLDEN OAK DR. & PEAK LN.
PORTOLA VALLEY, CA 94028

2 / 02 / 2010

ZONING

30202010 100% 2D

ZON ARCHITECTS, INC.

380 4TH STREET #655
SAN FRANCISCO, CA 94107
PHONE: (415) 743-9974
FAX: (415) 354-3502

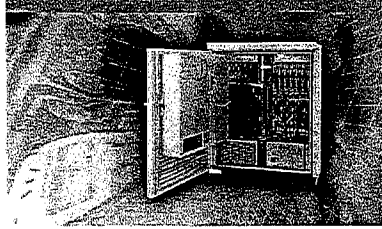
DRAWN BY: MH CHK: D.E. APV: D.E.

SHEET NUMBER: 8

EQUIPMENTS SPECIFICATIONS

SHEET NUMBER: 8

D-2



RBS 2102

The RBS 2102 is an EDGE/GPRS capable outdoor RBS supporting up to 16 transceivers per cabinet. It is possible to build one, two and three sector configurations including dual band configurations in one cabinet. The RBS 2102 is normally ground or roof mounted and provides a compact, tested, rugged and maintenance free solution for 4 or 8 TU configuration is supported.

The RBS 2000 product family for Ericsson's GSM System offers the most advanced technology available, with Ericsson's wide range of RBS 2000 products, the most cost-effective alternative is chosen for each situation, depending on capacity, coverage, space and service market requirements.

Fast rollout and expansion

RBS 2000 flexibly allows for easy installation, with on-site testing and commissioning within one hour. This is accomplished as the RBS is pre-assembled, and SW loaded and tested before delivery.

The modular design of RBS 2000 supports a number of site configurations and expansion paths as the network grows. RBS 2000 is prepared for cost efficient coexistence with other RBS through antenna and feeder sharing. RBS 2000 sites are protected by standard packages which guarantee a fast and cost-effective rollout of typical RBS 2000 configurations.

Superior coverage and capacity
 Clearer provides superior radio performance thanks to the highest output power combined with high receiver sensitivity for optimum coverage. Better coverage means less RBS in a given area, and therefore lower investments and faster rollout. Another example of a cost saving feature is 12V SW Extended Range.

Different site types should be chosen, depending on the operator's requirements concerning hill rise, coverage and capacity needs, and on the total number of antennas, and available footprint. Ericsson RBS 2000 Macro supports three sector locations: standard range, maximum range and high capacity. Maximum range is accomplished by the use of air combining and a lower mounted antenna. Standard range and high capacity are accomplished by hybrid site combiners.

Except for these basic solutions, hill rise and the Ericsson unique software power boosters also available. With a small range, a capacity cell can provide cost-effective coverage. Software power boosters extend the coverage of a cell by combining two transmitters into a virtual one by a simple SW command from the GSM center. Ericsson's synchronization based GSM analysis warns the transmitters from allowed combinations of radio base stations and easily turn on/off cells. Operations can increase coverage the next with the future. By meeting existing site requirements, investments are protected while migrating to 3G.

Prepared for the future
 The RBS 2000 family is prepared for GSM data services, including General Packet Radio Services (GPRS), High Speed Circuit Switched Data (HSCSD) and 14.4 kbit/s GPRS. RBS 2000 also supports EDGE (GPRS) with a new plug-in TRU. RBS 2000 supports HiperLAN/2 Core Structure (HCS) with up to three and leaves. With the optional DSF feature RBS 2000 synchronization, it is possible to have up to 32 transmitters in one cell.

Ericsson's RBS 2000 Macro offers two digital cross-connection solutions: the DSX plug-in unit and the DSX-DSC. Both solutions can be fitted to the RBS 2102. Moreover equipment, such as the Ericsson MINI-LINK* access module, can also be mounted in the RBS 2102.

- Key features**
- Six transceivers
 - Superior radio performance
 - Prepared for GPRS, extended positioning services
 - Outdoor environment
 - Vendor neutral
 - Optionally including built-in transmission equipment
 - Supports Adaptive Multirate
 - Supports 32 TRX cell configurations
 - Tower mounted amplifiers
 - Integrated and optional external battery back-up
 - Extended Range 12V SW
 - Supports G-GPRS, GPRS, HSCSD, 14.4 kbit/s GPRS
 - Supports extended GSM
 - Dual band

Technical Specifications for RBS 2102 Radio Base Station for Ericsson's GSM System

Frequency band:	E-GSM 900, GSM 1800, GSM 1900
TS:	302-900, 1870-1880 or 1920-1980 MHz
RF:	300-475, 1710-1785 or 1850-1910 MHz
Number of transceivers:	1-6
Number of sectors:	1-2
Dimensions (W x H x D):	1.3 (400mm) (W), 2 (635mm) (H)
Dimensions (W x H x D):	1514 x 1302 x 710 mm (59.6 x 51.1 x 28.0 in.)
Weight without batteries:	486 kg (1072 lbs)
Power via antenna feeder:	28 W / 4 x 6 dBm (GSM 900 / GSM 1800 / GSM 1900)
Receiver sensitivity:	-113 dBm
Power supply:	206-230V AC, 50 / 60 Hz
Integrated battery back-up:	Typical 4 hours (fully equipped)
Operating temperature:	+25°C ~ +45°C (77°F ~ +113°F)
Weatherproofing:	Max level IP54 in IEC 320

Ericsson Radio Systems AB
 www.ericsson.com

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ERICSSON

Product Data

11.1.4 Measurement

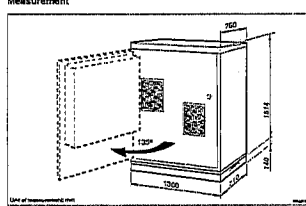


Figure 143 External dimensions of the cabinet and the base frame

11.1.5 Weights

Table 76 Weight of cabinet.

Cabinet	Weight in Kilograms	Weight in Pounds
Cabinet fully equipped	480 kg	1155 lb
Batteries	70 kg	154 lb
Total weight	550 kg	1212 lb

11.1.6 Installation Frame

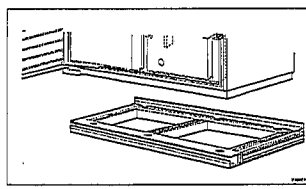


Figure 144 The installation frame

L2H 122 22 R04
 2001-11-23

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287 (255)

Product Data

The installation frame is bolted to the surface where the cabinet is to be installed.

Note: Side panels are included with the installation frame. After the installation of the cabinet the panels are inserted into the sides of the installation frame.

Installation Frame Footprint

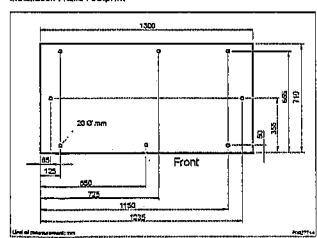


Figure 141 Installation frame footprint

This illustration shows the footprint of the installation frame and can be used as a guide for the holes in the mounting surface or to manufacture a mounting steel frame if necessary. The mounting screws for connection of the mounting base to the ground must be M16 (diam. 16 mm, metric thread) and have 25 to 35 mm length above the concrete surface.

286 (328)

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L2H 122 22 R04
 2001-11-23

T-Mobile West Corporation
 A Delaware Corporation
 1855 GATEWAY BLVD., 3TH FLOOR
 CONCORD, CA 94520

PROJECT INFORMATION:
 SF13134G
 GOLDEN OAK WATER TANK
 GOLDEN OAK DR. & PEAK LN,
 PORTOLA VALLEY, CA 94028

CURRENT ISSUE DATE:
 2 / 02 / 2010

ISSUED FOR:
 ZONING

REV.	DATE	DESCRIPTION	BY
1	2/02/2010	100% 2D	MH
2			
3			
4			

PROJECT ARCHITECT/ENGINEER:
ZON ARCHITECTS
 ZON ARCHITECTS, INC.
 500 4TH STREET #205
 SAN FRANCISCO, CA 94107
 PHONE: (415) 746-9874
 FAX: (415) 354-3502

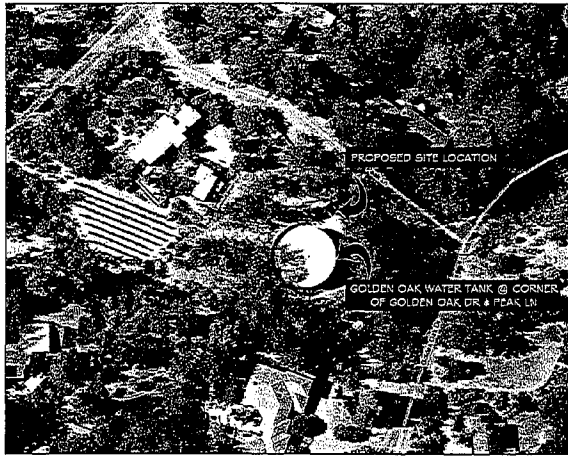
CONSULTANT:

DRAWN BY: CHK: APV:
 MH D.E. D.E.

LICENSER:

SHEET TITLE:
EQUIPMENTS SPECIFICATIONS

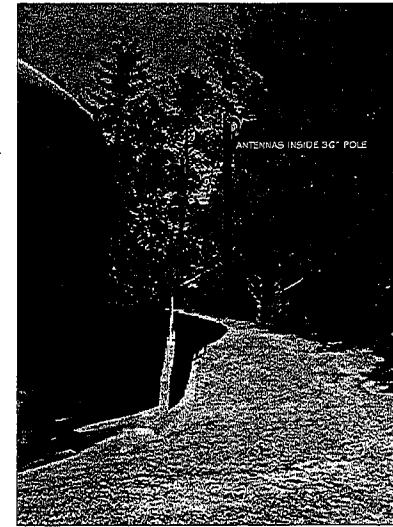
SHEET NUMBER:
D-3



A AERIAL IMAGE OF SITE LOCATION



B SITE VIEW LOOKING NORTH-WEST



C SITE VIEW LOOKING NORTH-WEST AFTER



D SITE VIEW LOOKING NORTH



E SITE VIEW LOOKING NORTH AFTER

T-Mobile West Corporation
A Delaware Corporation

1855 GATEWAY BLVD., 9TH FLOOR
CONCORD, CA 94520

PROJECT INFORMATION:

SF13134G
GOLDEN OAK WATER TANK
GOLDEN OAK DR. & PEAK LN,
PORTOLA VALLEY, CA 94028

CURRENT ISSUE DATE:

2 / 02 / 2010

ISSUED FOR:

ZONING

REV. DATE DESCRIPTION BY:

REV.	DATE	DESCRIPTION	BY:
1	2/02/2010	100% 2D	MH
2			
3			
4			

PROJECT ARCHITECT/ENGINEER:

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ARCHITECTS

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DRAWN BY: _____ CHK.: _____ APV.: _____
MH D.E. D.E.

LICENSER:

SHEET TITLE:

PICTURES &
PHOTO SIMS

SHEET NUMBER:

D-4



ZON Architects, Inc.
A California Corporation

TOWN OF PORTOLA VALLEY

MAR 16 2010

RECEIVED

**T-Mobile West Corporation
Proposed Cellular Telephone Facility
Use Permit Application Supplement
March 16, 2010**

Site Name & Number: **GOLDEN OAK WATER TANK – SF13134G**

USE PERMIT APPLICATION: **X7D-170**

Site Location: Golden Oak Drive @ Peak Lane, Portola Valley, CA 94028

Subject Property: APN 079-092-350 being approximately .75 of an acre which supports a Water tank approximately 23.5' tall by 70' in diameter

Property Owner: California Water Service Co.
341 North Delaware St.
San Mateo, CA 94401-1727
(650) 558-7800

Applicant: T-Mobile West Corporation
1855 Gateway Blvd
Suite 900
Concord, CA 94520
(925) 521-5500

Representative: ZON Architects, Inc.
Greg Guerrazzi
660 Fourth Street, # 255
San Francisco, CA 94107
(707) 935-1111 office

gregguerrazzi@vom.com

Project Description: T-Mobile proposes to construct and operate an unmanned wireless telecommunications facility at the above referenced location. The facility will consist of three (3) antennas mounted on a 50' tall stealth antenna support structure with two (2) ground mounted equipment cabinets and associated utility panels enclosed in a 15' x 15' x 8' tall fenced compound. Telephone and electrical services will be extended to the site by an underground trench located in the existing gravel access road.

Background: The Planning Commission conducted a preliminary review of the project at its October 15, 2009 regular meeting and an on-site joint meeting with the ASCC on

October 26, 2009. The ASCC has reviewed the project at three (3) subsequent regular meetings. The initial design proposal included a 50' tall faux pine tree (monopine) antenna support structure and a 20' x 20' equipment compound. The equipment compound has been reduced to 15' x 15'. At the request of the Planning Commission and ASCC, examples of existing similar facilities, with street addresses, were submitted; see Stealth Examples submittal dated November 9, 2009. The ASCC requested that an alternate design be developed for a slim line monopole with antennas concealed in a radome positioned between existing trees on site. Plans for the monopole design were submitted on January 22, 2010 and reviewed by the ASCC on February 8, 2010.

Project Benefits:

The proposed facility will provide wireless telecommunication services to an area currently not served by T-Mobile. All wireless telecommunications users in the T-Mobile service area will have access to E-911 services, even if they are not a T-Mobile subscriber.

The proposed facility will greatly improve existing coverage and add a significant area to the T-Mobile network for use by emergency service personnel as well as the general public. The benefit to the public will be access to a broader offering of wireless telecommunication services in a wider area and an alternative to land line services for daily and emergency communication needs.

Design Alternatives:

Two (2) options for the antenna support structure have been submitted. Alternative 1 is for a 50' tall monopine and Alternative 2 is for a 50' tall 36" diameter dark colored monopole with antennas concealed in a radome (no cross arms or exposed antennas or cables). In both cases the ground based equipment would be identical and the support structures would be colored to blend into the surrounding environment. Both alternative antenna support structures can accommodate additional antennas as recommended by the Town. See attached photo of an existing monopine located in Los Altos Hills and an existing monopole located @ Hwy 280 & Woodside Road.

The monopine antenna support structure will provide slightly better signal propagation than the monopole design due to antenna separation; therefore the monopine is preferred from a technical standpoint. Both are designed to accommodate a second set of antennas.

The ground based equipment must be located within 100' of the antenna support structure due to the coaxial cable connection requirements. Alternatives 1 & 2 have ground based equipment in a 15' x 15' compound with the antenna support pole. Typically the antenna support structure and ground based equipment are fenced for security purposes.

Twelve (12) 11" x 17" sets and one (1) 24" x 36" set of both design alternatives 1 & 2 are included herewith.

Visual Analysis:

Photo simulations have been submitted for both the monopine and monopole alternatives. The proposed facility has been situated on the property to minimize views and allow it to blend in with the environment. The existing large water tank and trees provide screening, which will partially obscure direct open views of the proposed facility from surrounding properties. The color of the support structure will also allow it to blend in with the surrounding environment.

Neighboring Properties: It is anticipated that the view of the proposed facility from the Fanton residence @ 265 Golden Oak Drive will be almost entirely blocked by the existing water tank.

The Kelly residence @ 10 Peak Lane is situated in a manner that views of the proposed facility will be partially obscured by the existing trees. The primary view corridors for this residence are not directed toward the proposed facility.

The Vedder residence @ 285 Golden Oak Drive will have a partially obscured view of the facility buffered by the existing trees. The proposed wood fence will screen the ground based equipment and the lower 8' of the antenna support structure. The primary view corridors for this residence are not directed toward the proposed facility. See photo simulation.

The view of the proposed facility from Golden Oak Drive and Peak Lane will be partially obscured by the existing large water tank and trees. The proposed facility will not be visible from greater distances due to the terrain and existing trees in the area. See photo simulation.

Alternatives Analysis

Site Selection: The proposed facility, either the monopine or monopole, is the least intrusive means to provide wireless telecommunication services to the subject area, which is a significant gap in the T-Mobile network coverage area.

The proposed facility is designed to provide T-Mobile coverage to an un-served portion of Portola Valley between Alpine Road and Westridge Drive. Currently, approximately 1,510 Portola Valley residents have access to some level of T-Mobile wireless telecommunications service. The proposed facility would add coverage to the T-Mobile Portola Valley service area, which could serve approximately 425 residents, for a total of 1,935 residents. Therefore, the proposed facility would increase the T-Mobile population coverage area in Portola Valley by approximately 22%. See attached SF13134G Existing Coverage and Proposed Coverage maps.

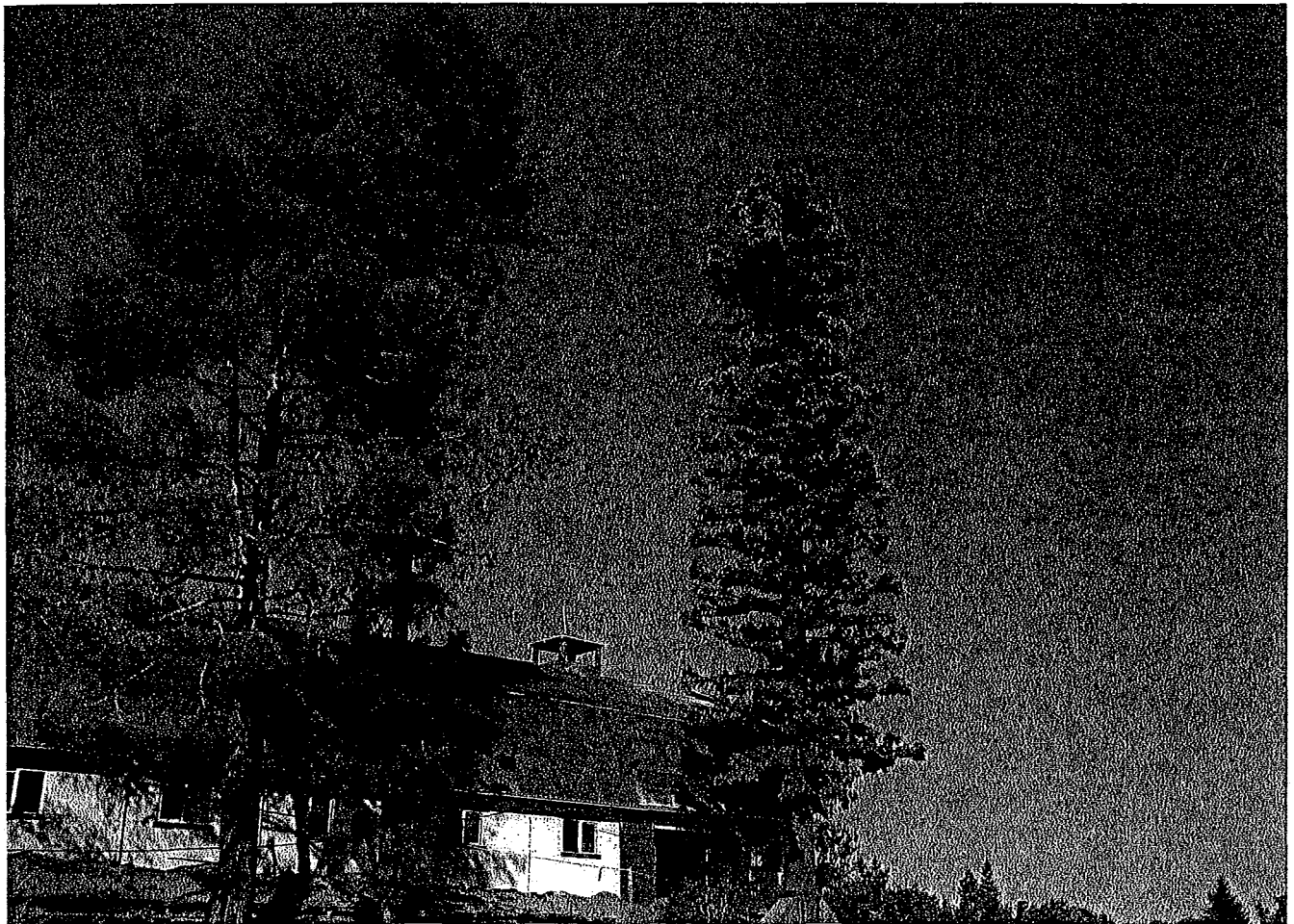
All wireless telecommunications users in the T-Mobile service area will have access to E-911 services, even if they are not a T-Mobile subscriber.

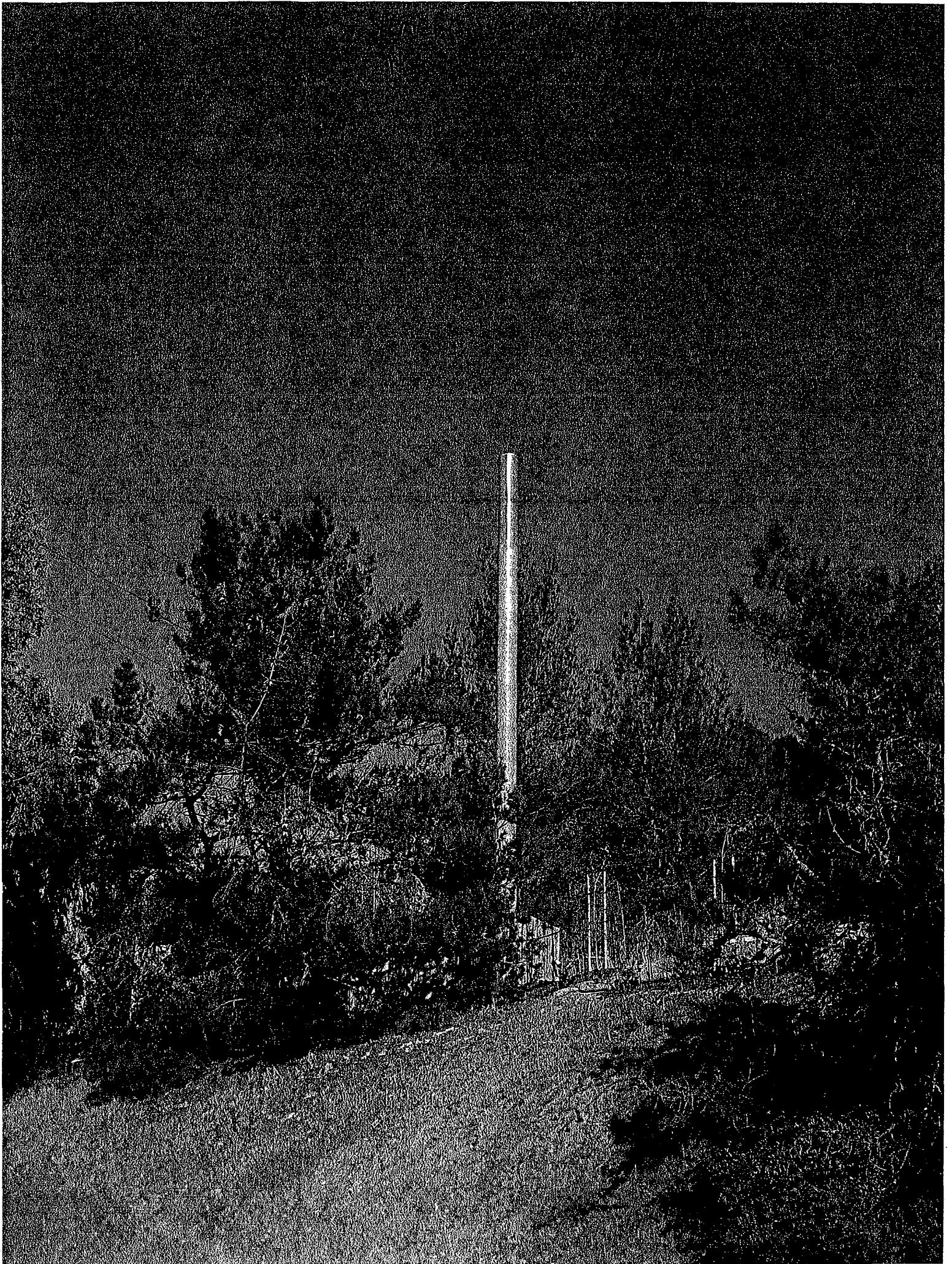
The California Water Service Company Golden Oak tank site is the only non-residential use parcel in the area that provides a location for the proposed facility, which affords a line of sight over the coverage area. The subject property currently supports a utility use (large water tank and associated equipment); therefore it is the preferred location for the proposed facility.

Due the undulating terrain and rural residential nature of the area there are no other properties or structures available, which could support the proposed facility.

Technical Alternatives: The proposed facility will utilize two (2) macro base transceiver station equipment cabinets with three (3) panel antennas, each 56" x 13.3" x 3.15", mounted at a height of 47' 6" above ground. This equipment configuration will provide the best possible coverage by a single facility for the area. See attached SF13134G – Coverage Plot (Golden Oak Water Tank).

LOS ALTOS HILLS MONOPINE

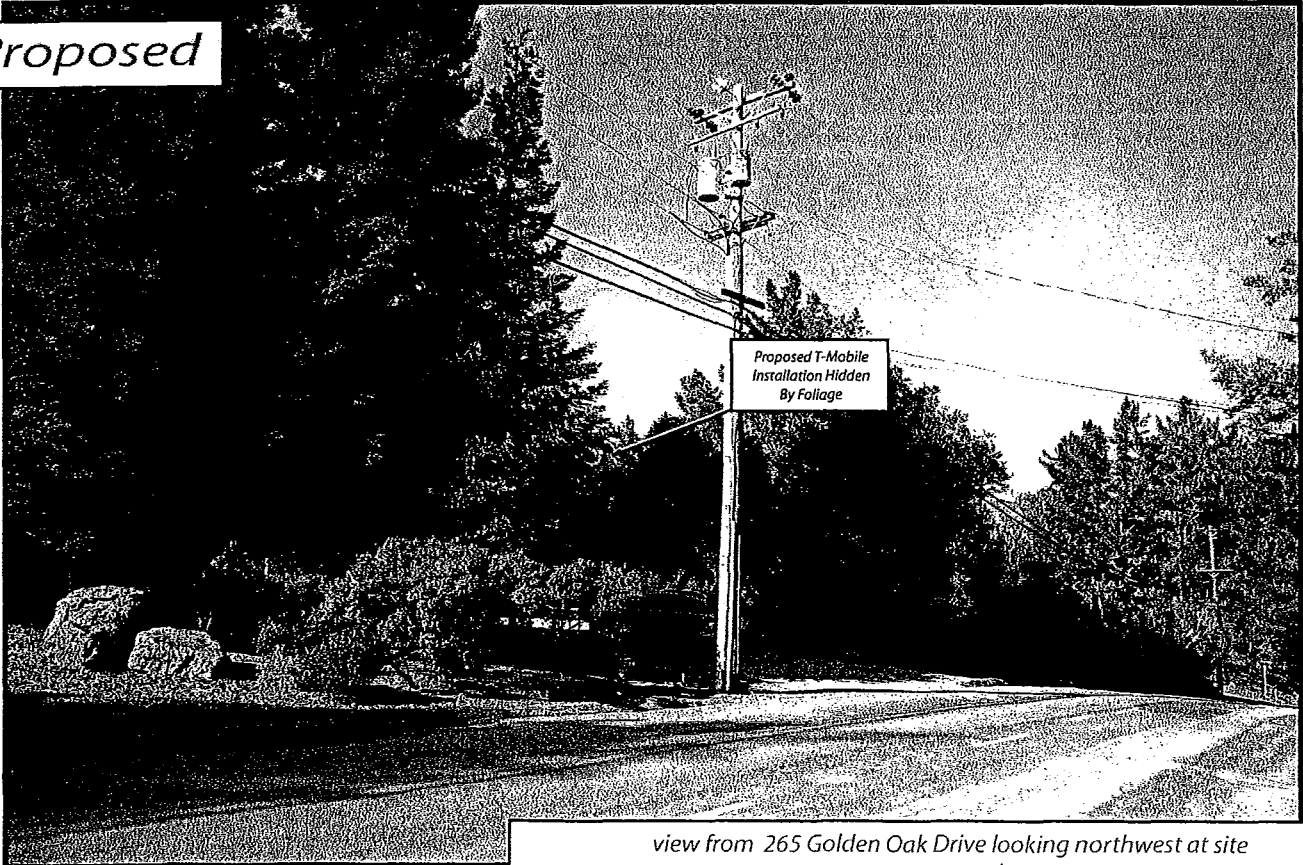




Existing



Proposed



view from 265 Golden Oak Drive looking northwest at site

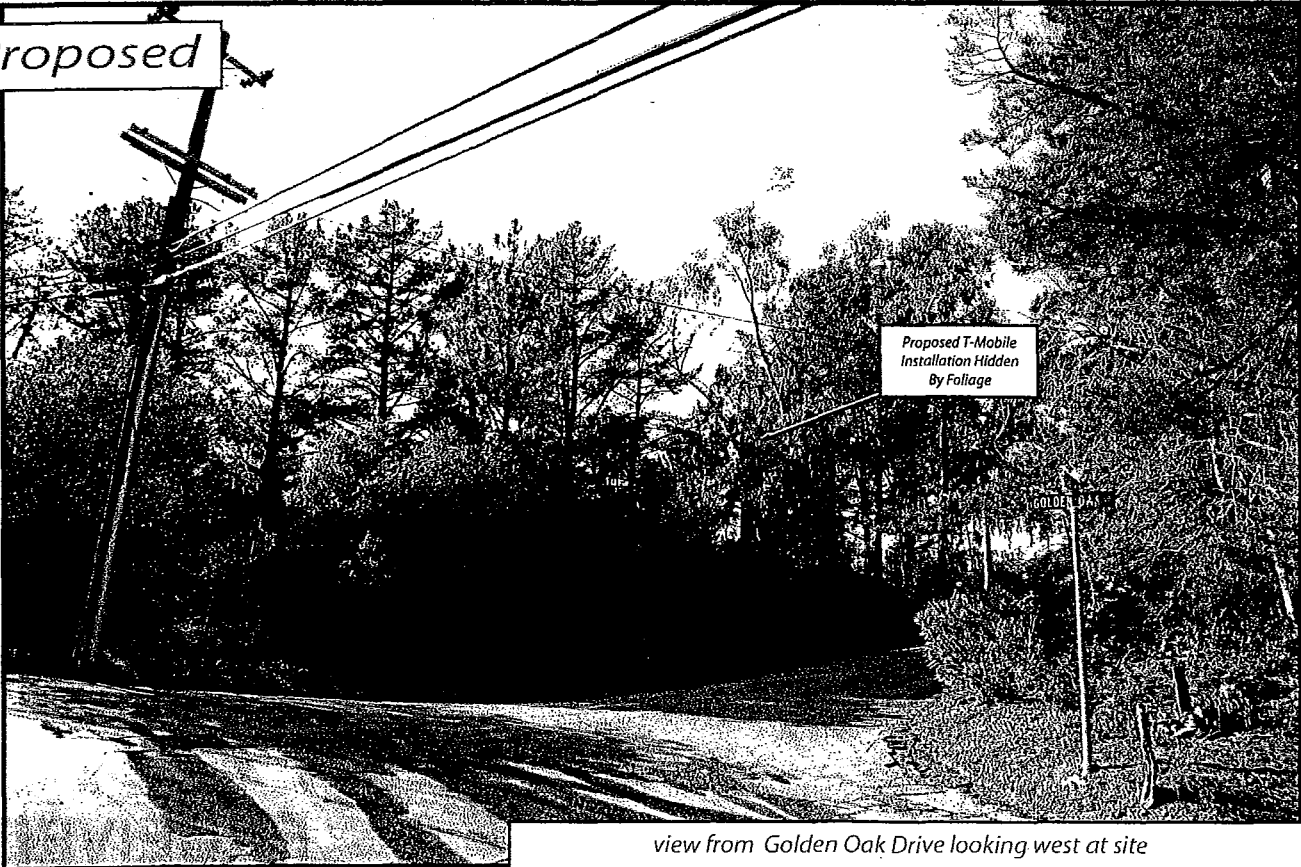
AdvanceSim
Photo Simulation Solutions
Contact / 925.292.8507

T-Mobile SF13134 Golden Oak Water Tank
Golden Oak Drive & Peak Lane, Portola Valley, CA

Existing



Proposed



Proposed T-Mobile
Installation Hidden
By Foliage

view from Golden Oak Drive looking west at site

AdvanceSim
Photo Simulation Solutions
Contact: 925.202.4507

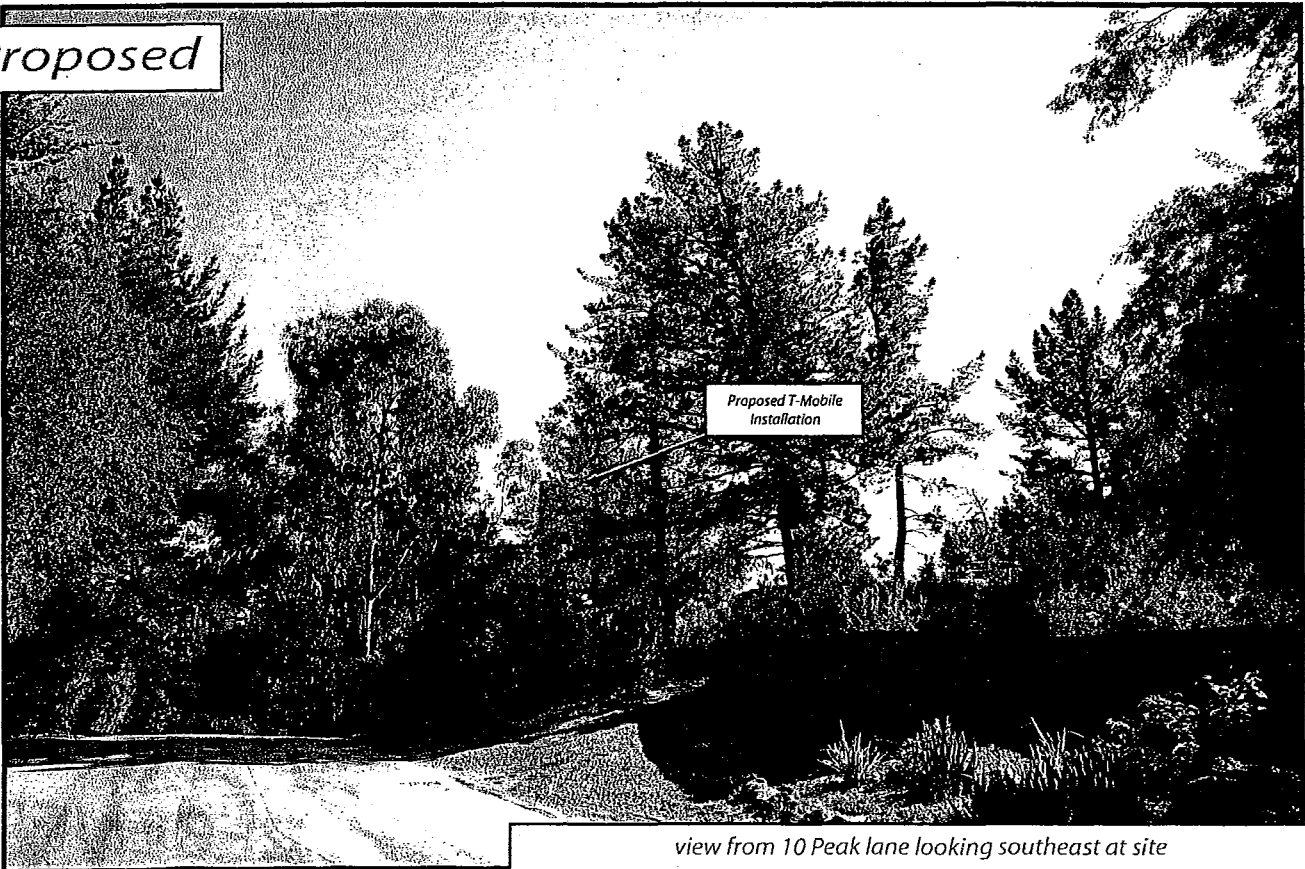
T-Mobile

SF13134 Golden Oak Water Tank
Golden Oak Drive & Peak Lane, Portola Valley, CA

Existing



Proposed



view from 10 Peak lane looking southeast at site

AdvanceSim 
Photo Simulation Solutions
Contact: 923 • 202 • 850

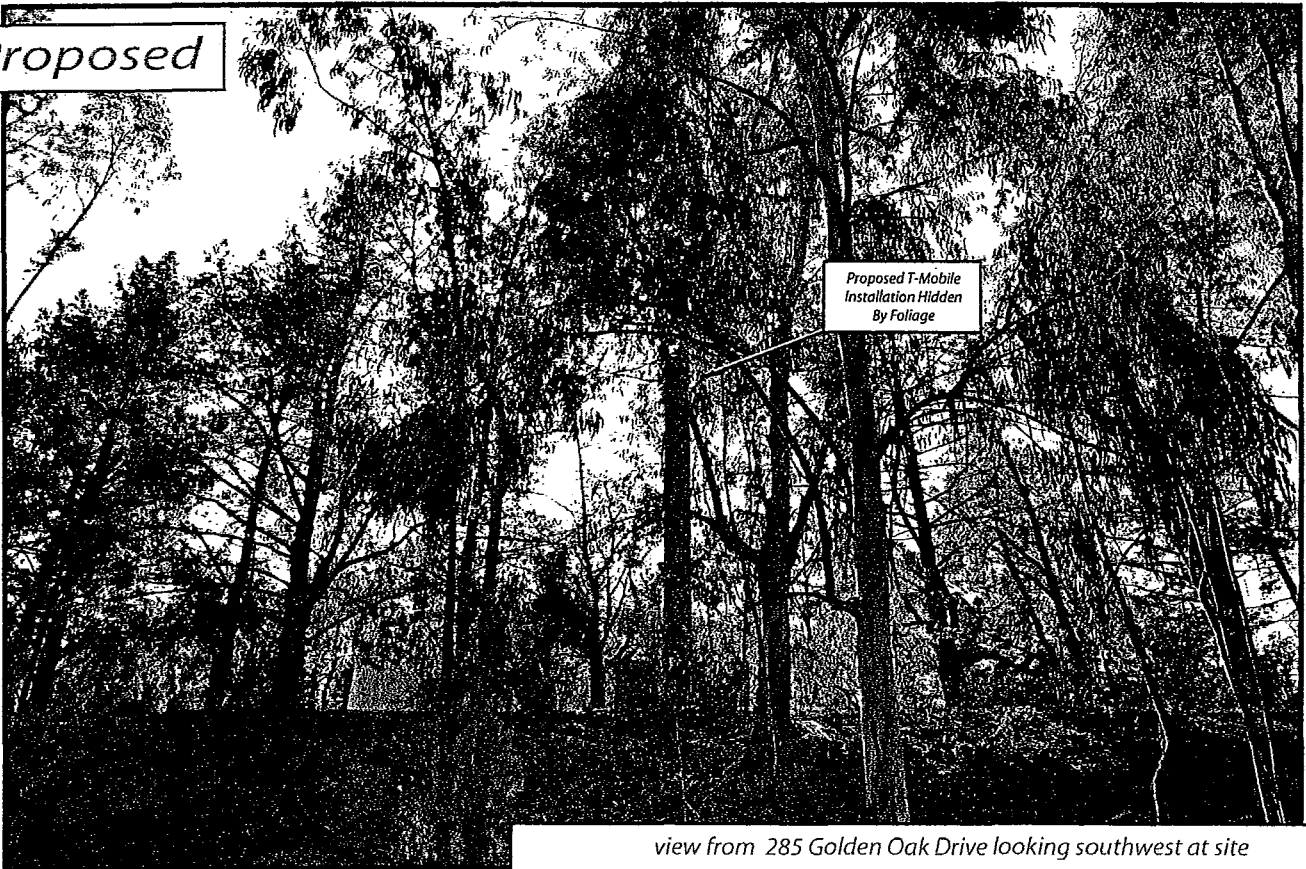
T-Mobile

SF13134 Golden Oak Water Tank
Golden Oak Drive & Peak Lane, Portola Valley, CA

Existing



Proposed



Proposed T-Mobile
Installation Hidden
By Foliage

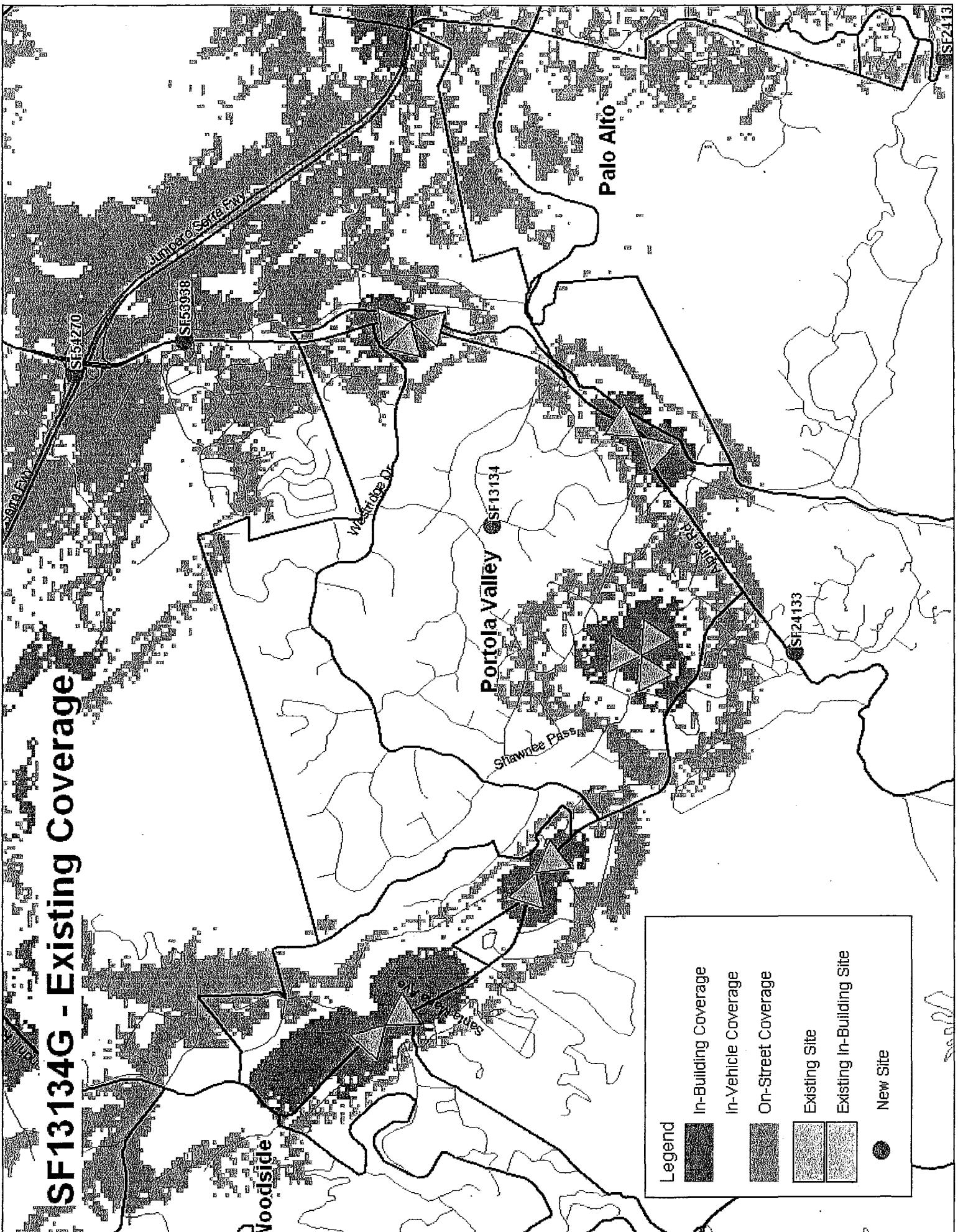
view from 285 Golden Oak Drive looking southwest at site

AdvanceSim 
Photo Simulation Solutions
Contact: 925.202.3507

T-Mobile

SF13134 Golden Oak Water Tank
Golden Oak Drive & Peak Lane, Portola Valley, CA

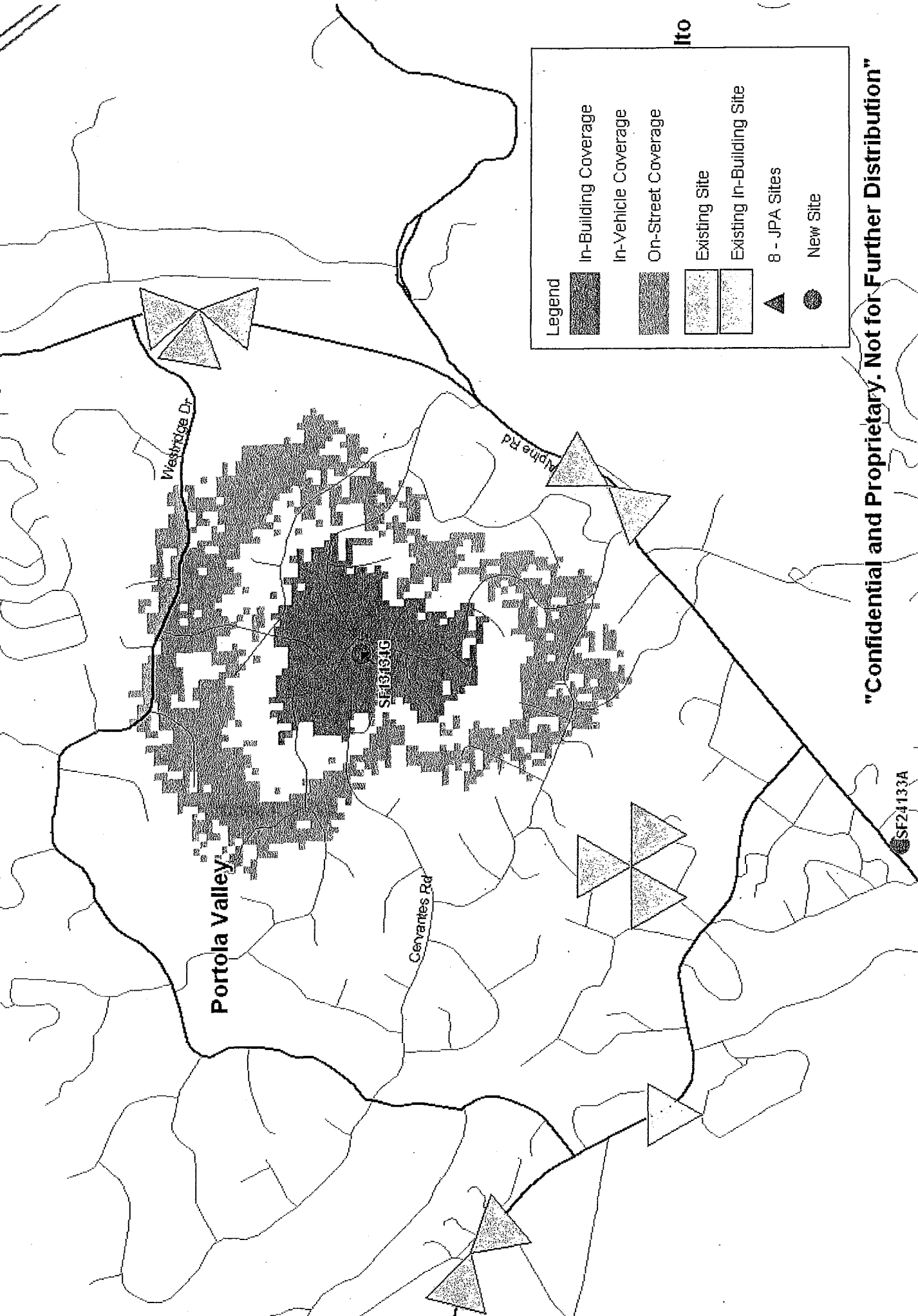
SF13134G - Existing Coverage



Legend

- In-Building Coverage
- In-Vehicle Coverage
- On-Street Coverage
- Existing Site
- Existing In-Building Site
- New Site

SF13134G - Coverage Plot (Golden Oak Water Tank)



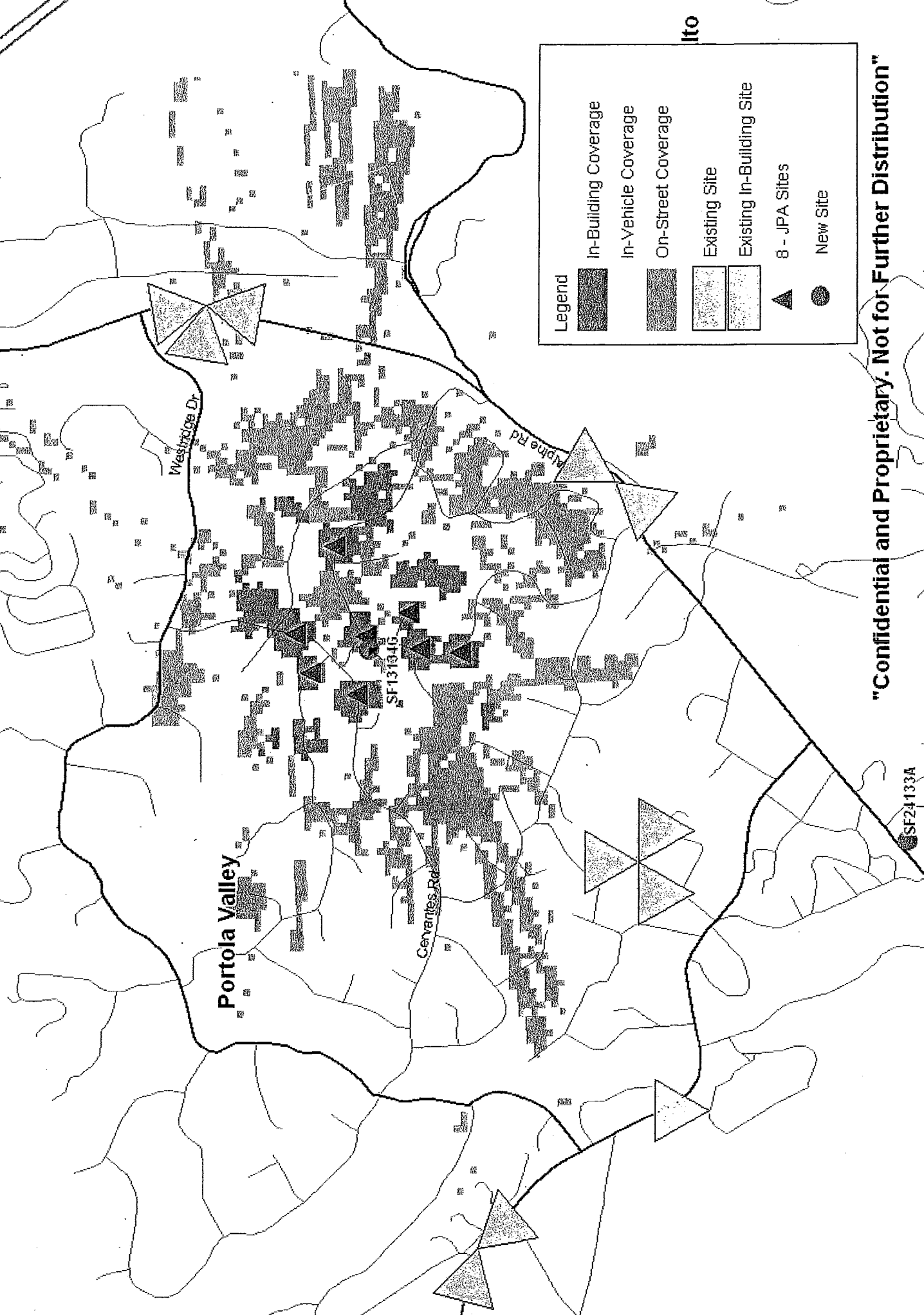
Legend

- In-Building Coverage
- In-Vehicle Coverage
- On-Street Coverage
- Existing Site
- Existing In-Building Site
- 8 - JPA Sites
- New Site

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SF24133A

SF13134G - Coverage Plot with 8 JPA Sites

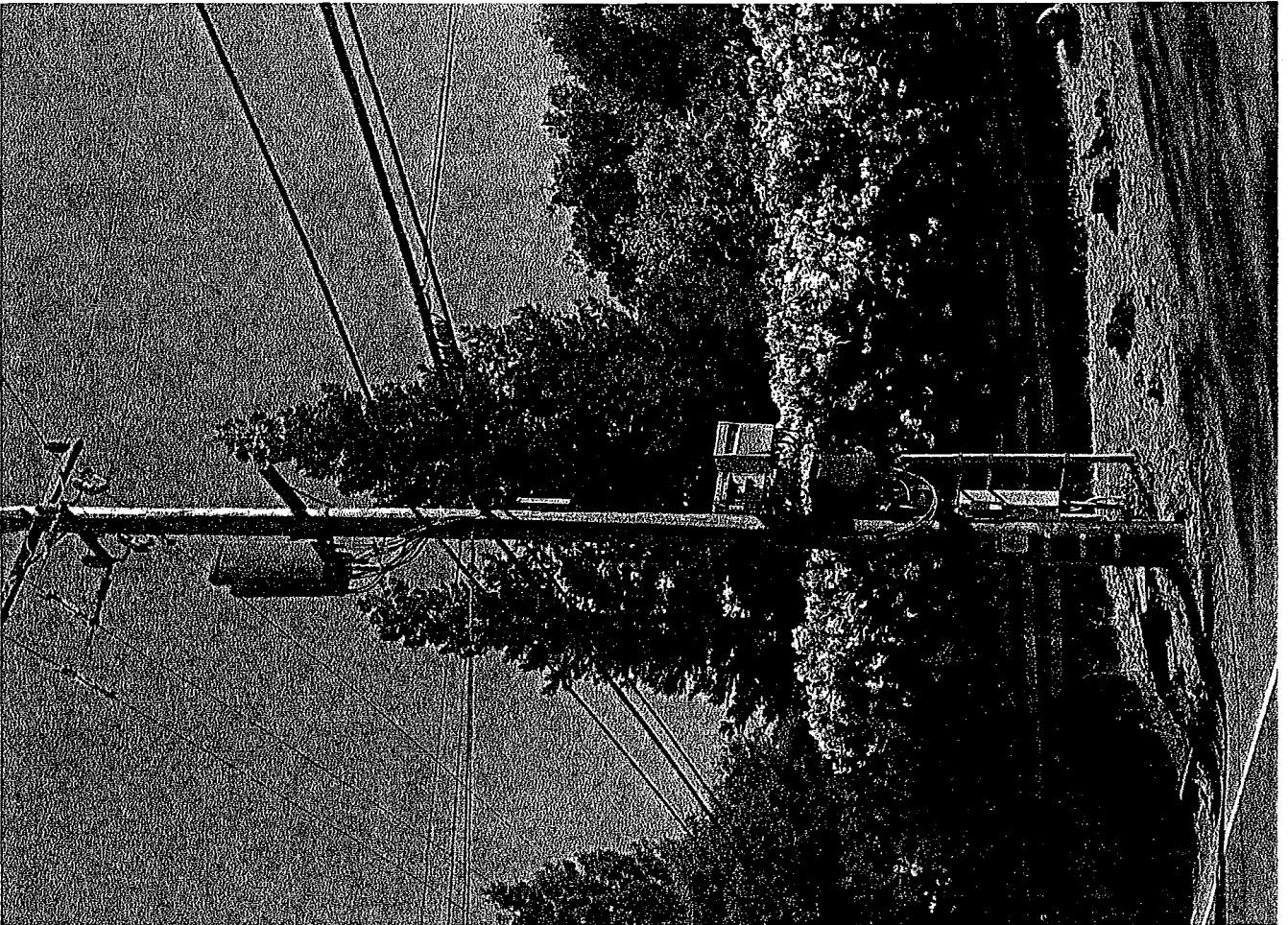
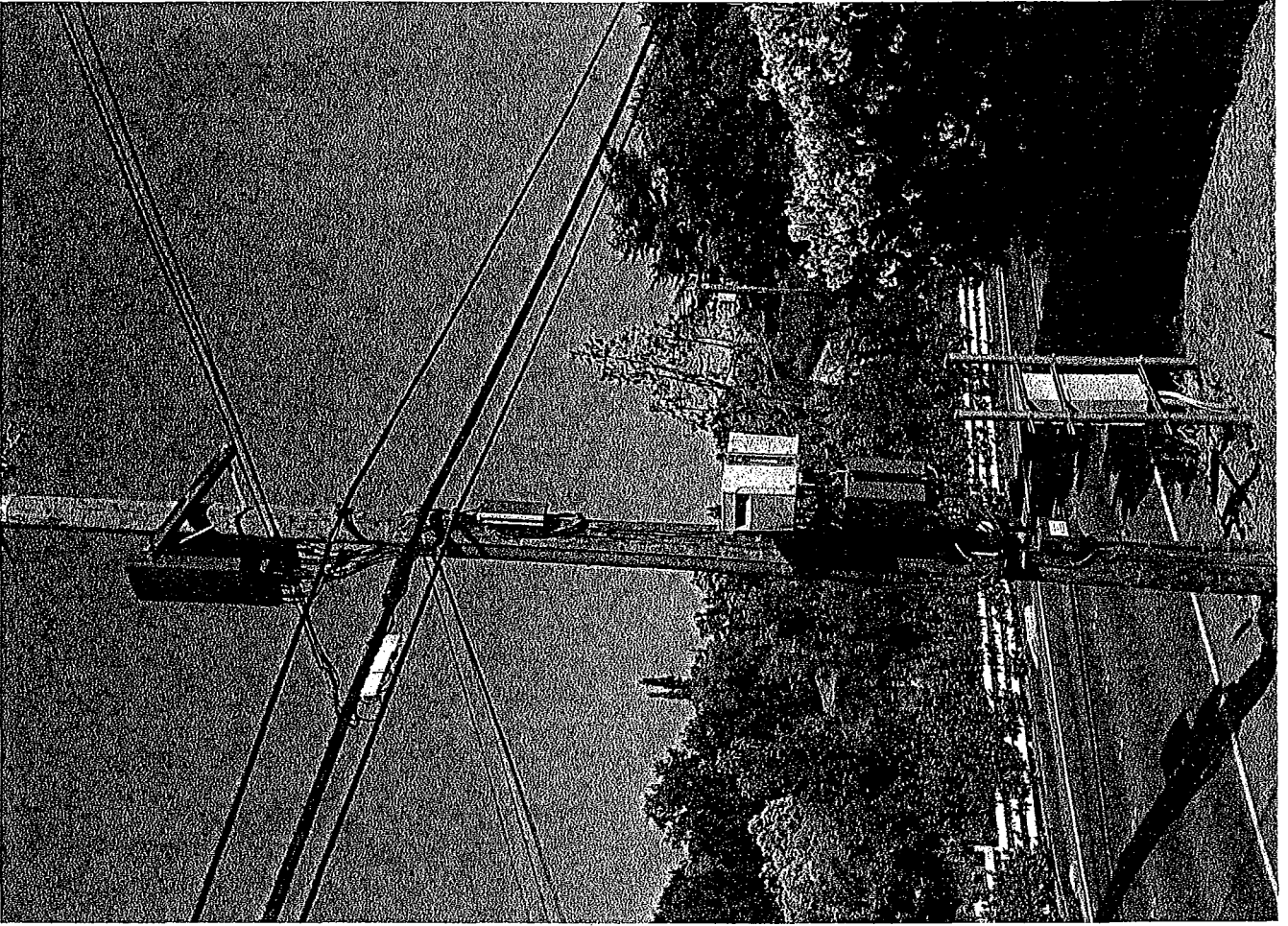


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SF24133A

MICRO CELL MOUNTED
ON UTILITY POLE



ARBORIST REPORT

TOWN OF PORTOLA VALLEY

Submitted To:

Zon Architects
Attention: Ms Holly Kirkpatrick
660 4th Street, Suite 255
San Francisco, CA 94107

RECEIVED

Project Location:

280 Golden Oak Drive
Portola Valley, California

Submitted By:

McCLENAHAN CONSULTING, LLC
John H. McClenahan
ISA Board Certified Master Arborist, WE-1476B
member, American Society of Consulting Arborists
February 22, 2010
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McClenahan Consulting, LLC

Arboriculturists Since 1911

1 Arastradero Road, Portola Valley, CA 94028-8012

Telephone (650) 326-8781

Fax (650) 854-1267

www.spmcclenahan.com

February 19, 2010

Zon Architects

Attention: **Ms Holly Kirkpatrick**

660 4th Street, Suite 255

San Francisco, CA 94107

RE: **Cal Water Tank Site**
Corner of Golden Oak and Peak
Portola Valley, CA

Assignment

As requested, I performed a visual inspection of four trees to determine species, size, impacts from proposed cell site tower condition and provide preservation guidelines. Screening recommendations will also be provided.

Background

The lot is the site of a large water tank and generator. The lot and tank is surrounded primarily by redwoods, pines, oaks and a few eucalypts. From the site entrance to the proposed tower location is a row of five Monterey pines and a few small oaks. Any equipment will have to come in close to these tree drip lines. It appears the neighbor across the street on Peak and the neighbor on the uphill side of Peak will see the tower and its fenced utility panels at the base.

Summary

The four Monterey pines that were tagged will sustain the more significant impacts. There are five pines and three redwoods between the uphill neighbor on Peak and the cell site. Three eucalypts and numerous smaller shrubs are the existing screening for the house across Peak. An additional planting plan will be included to conceal the fenced area that will surround the cell tower. Native plants or common used hedges can be used for this purpose. Multi trunk Coast live oaks (*Quercus agrifolia*) or scrub oaks (*Quercus dumosa*) will provide good long term screening. The Monterey pines on site are over mature and will achieve mortality individually over the next 10 years.

Methodology

No root crown exploration, climbing or plant tissue analysis was performed as part of this survey. In determining Tree Condition several factors have been considered which include:

- Rate of growth over several seasons;
- Structural decays or weaknesses;
- Presence of disease or insects; and
- Life expectancy.

The following guide for interpretation of Tree Condition as related to Life Expectancy is submitted for your information.

- 0 - 5 Years = Poor
- 5 - 10 Years = Poor to Fair
- 10 - 15 Years = Fair
- 15 - 20 Years = Fair to Good
- 20 + Years = Good

Tree Description/Observation

1. Monterey pine (*Pinus radiata*)

Diameter: 22.2"
Height: 45' **Spread:** 35'
Condition: Poor
Location: 5-feet from proposed concrete pad

Observation:

Canopy exhibits dieback and dead limbs. Symptomatic of bark beetle infestation. Proposed cell tower foundation will impact 30 percent of root environment. Pruning of foliar canopy may be required for clearance.

2. Monterey pine

Diameter: 12.7"
Height: 30' **Spread:** 25'
Condition: Poor
Location: 5-feet from proposed concrete pad

Observation:

Sparse canopy with interior deadwood. Red turpentine bark beetle infestation observed at root crown. The *Tree Protection Zone (TPZ)* is 6-feet. Does not appear to be a significant screening tree.

3. Monterey pine

Diameter: 18.1"
Height: 50' **Spread:** 35'
Condition: Fair
Location: Along access path

Observation:

Canopy exhibits a moderate accumulation of deadwood. No significant impact anticipated.

4. Monterey pine

Diameter: 21.5"
Height: 50' **Spread:** 40'
Condition: Fair
Location: Along access path

Observation:

Canopy exhibits a moderate accumulation of deadwood. No significant impact anticipated.

Monterey pine, 5 trees

Location: Between proposed tower and house

Observation:

These five trees are in poor to fair condition and provide screening from residence .

Coast redwood (*Sequoia sempervirens*) 3 trees at fenceline

Condition: Good

Location: Between proposed tower and house

Observation:

Young establishing screen trees for water tank and proposed tower from uphill house on peak.

Blue gum (*Eucalyptus globulus*), 6 trees along peak

Condition: Fair to Good

Location: Peak frontage

Observation:

Provides screening for residence across the street from proposed tower.

TREE PRESERVATION GUIDELINES

Tree Preservation and Protection Plan

In providing recommendations for tree preservation, we recognize that injury to trees as a result of construction include mechanical injuries to trunks, roots and branches, and injury as a result of changes that occur in the growing environment.

To minimize these injuries, we recommend grading operations encroach no closer than five times the trunk diameter, (i.e. 30" diameter tree x 5=150" distance). At this distance, buttress/anchoring roots would be preserved and minimal injury to the functional root area would be anticipated. Should encroachment within the area become necessary, hand digging is **mandatory**.

Barricades

Prior to initiation of construction activity, temporary barricades should be installed around all trees in the construction area. Six-foot high, chain link fences are to be mounted on steel posts, driven 2 feet into the ground, at no more than 10-foot spacing. The fences shall enclose the entire area under the drip line of the trees or as close to the drip line area as practical. These barricades will be placed around individual trees and/or groups of trees as the existing environment dictates.

The temporary barricades will serve to protect trunks, roots and branches from mechanical injuries, will inhibit stockpiling of construction materials or debris within the sensitive 'drip line' areas and will prevent soil compaction from increased vehicular/pedestrian traffic. No storage of material, topsoil, vehicles or equipment shall be permitted within the tree enclosure area. The ground around the tree canopy shall not be altered. These barricades should remain in place until final inspection of the building permit, except for work specifically required in the approved plans to be done under the trees to be protected. Designated areas beyond the drip lines of any trees should be provided for construction materials and onsite parking.

Root Pruning (if necessary)

During and upon completion of any trenching/grading operation within a tree's drip line, should any roots greater than one inch (1") in diameter be damaged, broken or severed, root pruning to include flush cutting and sealing of exposed roots should be accomplished under the supervision of a qualified Arborist to minimize root deterioration beyond the soil line *within twenty-four (24) hours*.

Pruning

Pruning of the foliar canopies to include removal of deadwood is recommended and should be initiated prior to construction operations. Such pruning will provide any necessary construction clearance, will lessen the likelihood or potential for limb breakage, reduce 'windsail' effect and provide an environment suitable for healthy and vigorous growth.

Fertilization

A program of fertilization by means of deep root soil injection is recommended with applications in spring and summer for those trees to be impacted by construction.

Such fertilization will serve to stimulate feeder root development, offset shock/stress as related to construction and/or environmental factors, encourage vigor, alleviate soil compaction and compensate for any encroachment of natural feeding root areas.

Inception of this fertilizing program is recommended prior to the initiation of construction activity.

Irrigation

A supplemental irrigation program is recommended for the Monterey pine trees and should be accomplished at regular three to four week intervals during the period of May 1st through October 31st. Irrigation is to be applied at or about the 'drip line' in an amount sufficient to supply approximately fifteen (15) gallons of water for each inch in trunk diameter.

Irrigation can be provided by means of a soil needle, 'soaker' or permeable hose. When using 'soaker' or permeable hoses, water is to be run at low pressure, avoiding runoff/puddling, allowing the needed moisture to penetrate the soil to feeder root depths.

Mulch

Mulching with wood chips (maximum depth 3") within tree environments (outer foliar perimeter) will lessen moisture evaporation from soil, protect and encourage adventitious roots and minimize possible soil compaction.

Inspection

Periodic inspections by the *Site Arborist* are recommended during construction activities, particularly as trees are impacted by trenching/grading operations.

Inspections at approximate four (4) week intervals would be sufficient to assess and monitor the effectiveness of the Tree Preservation Plan and to provide recommendations for any additional care or treatment.

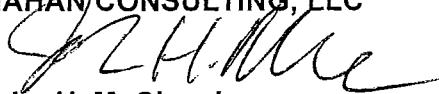
All written material appearing herein constitutes original and unpublished work of the Arborist and may not be duplicated, used or disclosed without written consent of the Arborist.

We thank you for this opportunity to be of assistance in your tree preservation concerns.

Should you have any questions, or if we may be of further assistance in these concerns, kindly contact our office at any time.

Very truly yours,

McCLENAHAN CONSULTING, LLC



By: **John H. McClenahan**
ISA Board Certified Master Arborist, WE-1476B
member, American Society of Consulting Arborists

JHMc: pm
Email: gregguerrazzi@vom.com
and holly@zonarchitects.com
Hard copy to follow by surface mail.



McClenahan Consulting, LLC

Arboriculturists Since 1911

1 Arastradero Road, Portola Valley, CA 94028-8012

Telephone (650) 326-8781

Fax (650) 854-1267

www.sprmcclenahan.com

ARBORIST DISCLOSURE STATEMENT

Arborists are tree specialists who use their education, knowledge, training and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living near trees. Clients may choose to accept or disregard the recommendations of the arborist, or seek additional advice.

Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that fail in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period of time. Likewise, remedial treatments, like a medicine, cannot be guaranteed.

Treatment, pruning, and removal of trees may involve considerations beyond the scope of the arborist's services such as property boundaries, property ownership, site lines, disputes between neighbors, landlord-tenant matters, etc. Arborists cannot take such issues into account unless complete and accurate information is given to the arborist. The person hiring the arborist accepts full responsibility for authorizing the recommended treatment or remedial measures.

Trees can be managed, but they cannot be controlled. To live near a tree is to accept some degree of risk. The only way to eliminate all risks is to eliminate all trees.

Arborist:

John H. McClenahan

Date:

February 22, 2010

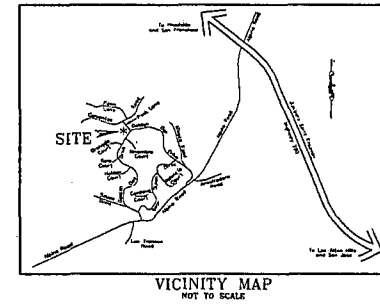
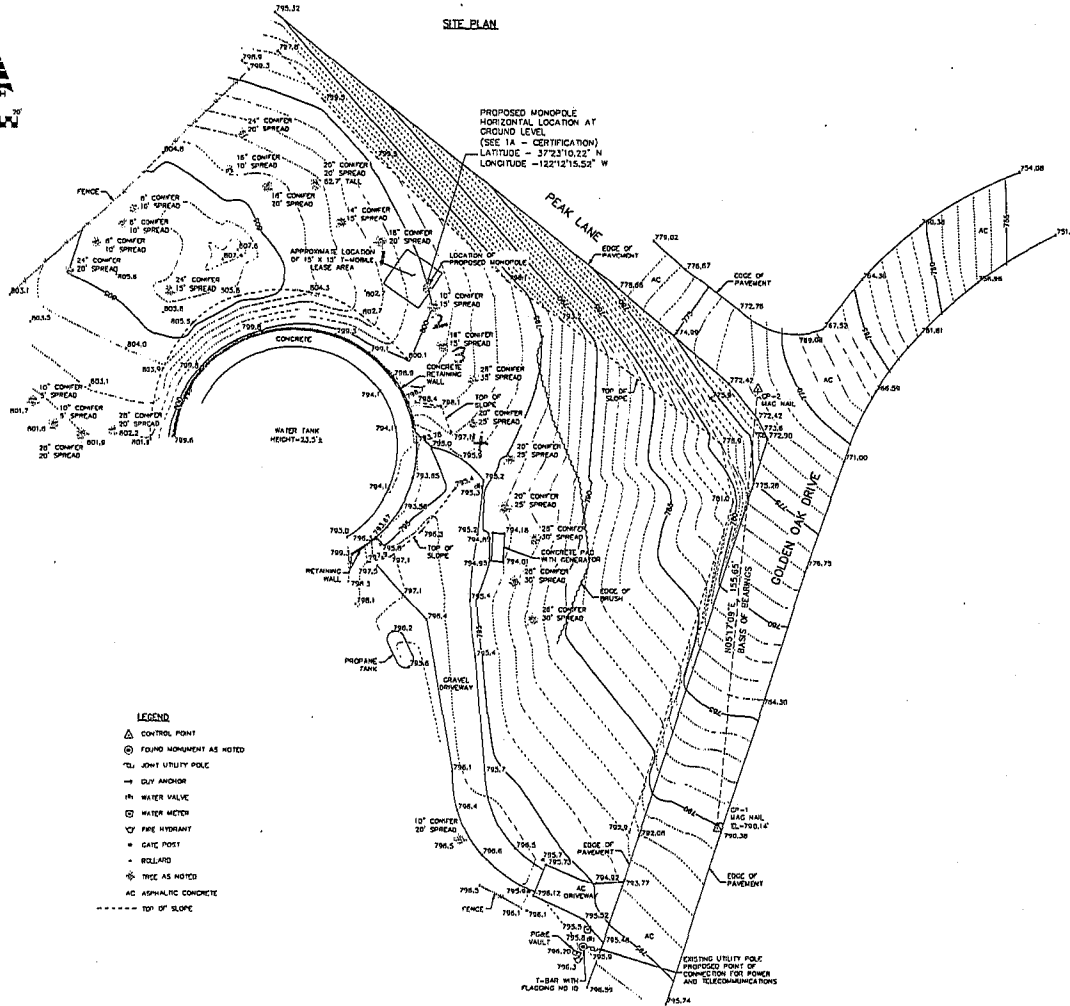
BASIS OF BEARINGS:
THE BASIS OF BEARINGS FOR THIS SURVEY IS ASSUMED BETWEEN CONTROL POINT 1 (CP-1) AND CONTROL POINT 2 (CP-2). THE BEARING BETWEEN CONTROL POINTS BEING NORTH 05°17'09" EAST.

BASIS OF ELEVATIONS:
THE ELEVATIONS FOR THIS SURVEY ARE BASED UPON CONTROL POINT 1 (CP-1). THE ELEVATION OF SAID CONTROL POINT IS 790.14 FEET (NAVD-88).

SURVEYOR STATEMENT:
THIS MAP WAS PREPARED UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY CONDUCTED ON AUGUST 30, 2009. I HEREBY STATE THAT THE 1-A CERTIFICATION SHOWN HEREON IS TRUE AND CORRECT.

KONRAD M. STINCHFIELD, L.S. 7873
LICENSE EXPIRES: 12/31/2010

DATE _____



1-A ACCURACY CERTIFICATION
THE GEODETIC COORDINATES (NAD-83) FOR THE PROPOSED MONOPOLE:
LATITUDE: 37°23'10.22" N
LONGITUDE: 122°12'15.52" W
THE ELEVATIONS HEREON ARE ABOVE MEAN SEA LEVEL (NAVD-88) AND ARE AS FOLLOWS:
GROUND ELEVATION AT POLE BASE: 800.00 FT.
TOP OF EXISTING POLE: 842.00 FT.
DESIGN TOP OF POLE ELEVATION: 850.00 FT.
THE ACCURACY STANDARDS FOR THIS CERTIFICATION ARE AS FOLLOWS:
GEODETIC COORDINATES: ± FIFTEEN (15) FEET (NAD-83)
ELEVATIONS: ± THREE (3) FEET (NAVD-88)
GEODETIC COORDINATES SHOWN HEREON ARE BASED UPON PHYSICAL OBSERVATIONS TO KNOWN NATIONAL GEODETIC SURVEY (NAD83) MONUMENTS. THE COORDINATES PUBLISHED AS OF DATE OF THIS SURVEY ARE FOR EPOCH 2007.00.
ELEVATIONS SHOWN HEREON ARE FROM DIFFERENTIAL LEVELING USING GLOBAL POSITIONING SYSTEMS. DIFFERENTIAL LEVELS WERE DETERMINED FROM PHYSICAL OBSERVATIONS TO KNOWN NGS MONUMENTS WITH NAVD-88 VALUES PUBLISHED BY NGS AS OF THE DATE OF THIS SURVEY.
THE HORIZONTAL LOCATION OF THE PROPOSED MONOPOLE, THE HEIGHT OF THE PROPOSED ANTENNA RAD CENTER, AND THE HEIGHT OF THE PROPOSED MONOPOLE WERE PROVIDED BY ZON ARCHITECTS, INC.

- SURVEY NOTES**
1. THIS IS NOT A BOUNDARY SURVEY.
 2. PROPERTY LINES AND EASEMENTS HAVE NOT BEEN RESEARCHED, INVESTIGATED, OR SURVEYED AS A PART OF THIS SURVEY.
 3. NO PROPERTY MONUMENTS WERE SET DURING THIS SURVEY.
 4. THE LOCATION OF EXISTING UTILITY FACILITIES HAS NOT BEEN RESEARCHED. THIS SURVEY DEPICTS ONLY SURFACE EVIDENCE OF UNDERGROUND FACILITIES TO THE EXTENT SPECIFIED BY THE CLIENT. THE CONTRACTOR SHALL CONTACT THE RESPECTIVE UTILITY SERVICE PROVIDER TO OBTAIN INFORMATION REGARDING BURIAL DEPTH AND HORIZONTAL LOCATION OF FACILITIES PRIOR TO CONSTRUCTION. MICHAEL DEQUINE AND ASSOCIATES, INC. ASSUMES NO RESPONSIBILITY FOR THE DELINEATION OF SUCH FACILITIES NOR FOR THE PRESENCE OF, OR LACK OF FACILITIES, WHETHER OR NOT SUCH FACILITIES ARE DEPICTED HEREON.
 5. ANY ELECTRONIC DIGITAL MEDIA PROVIDED BY MICHAEL DEQUINE AND ASSOCIATES, INC. TO OUR CLIENT IS FOR CONVENIENCE ONLY. THE FINAL STAMPED, SIGNED, AND DATED ORIGINAL HARD COPY VERSION OF OUR MAP OR SURVEY IS CONSIDERED TO BE OUR LEGALLY RECOGNIZED PRODUCT. MICHAEL DEQUINE AND ASSOCIATES, INC. ASSUMES NO RESPONSIBILITY FOR THE CORRECTNESS OF ELECTRONIC MEDIA.

T-Mobile West Corporation
A Delaware Corporation
1655 GATEWAY BLVD., 8TH FLOOR
CONCORD, CA 94520

PROJECT INFORMATION:
SF13134G
GOLDEN OAK WATER TANK
GOLDEN OAK DR. & PEAK LANE
PORTOLA VALLEY, CA 94028

CURRENT ISSUE DATE:
11/23/09

ISSUED FOR:
ZONING

REV. DATE DESCRIPTION BY:

PROJECT ARCHITECT/ENGINEER:
ZON ARCHITECTS
ZON Architects, Inc. 480 4TH STREET #255
SAN FRANCISCO, CA 94107
PHONE: (415) 740-9974
FAX: (415) 354-3502

CONSULTANT:
Michael Dequine and Associates, Inc.
3291 Gateway Blvd., Suite 101
Concord, CA 94520
Phone: (916) 521-0400
Fax: (916) 452-4508
MDEA JOB NO. 08-0022

DRAWN BY: _____ CHK: _____ APV: _____
K.S. R.K. K.S.

LICENSER:

SHEET TITLE:
SITE PLAN & ELEVATION

SHEET NUMBER:
C-1



HAMMETT & EDISON, INC.
CONSULTING ENGINEERS
RADIO AND TELEVISION

WILLIAM F. HAMMETT, P.E.
DANE E. ERICKSEN, P.E.
STANLEY SALEK, P.E.
MARK D. NEUMANN, P.E.
ROBERT P. SMITH, JR.
RAJAT MATHUR, P.E.
FERNANDO DIZON

ROBERT L. HAMMETT, P.E.
1920-2002
EDWARD EDISON, P.E.
1920-2009

TOWN OF PORTOLA VALLEY

BY E-MAIL GREGGUERRAZZI@VOM.COM

March 16, 2010

Mr. Greg Guerrazzi
P.O. Box 939
Glen Ellen, California 95442

RECEIVED

Dear Greg:

As you requested, we have updated our analysis of the noise emissions from the T-Mobile West Corp. base station (Site No. SF13134G) proposed to be located at Golden Oak Drive and Peak Lane in Portola Valley, California. Our revised report is enclosed, referencing the change in the battery back-up unit. Noise levels at the nearby residential areas are calculated to comply with pertinent municipal code sections except for the nighttime average limit, and you will note that we make one recommendation for improved fencing along two sides of the compound, in order to find that the proposed T-Mobile operation will comply with all the requirements.

We appreciate the opportunity to be of service and would welcome any questions on this material. Please let me know if we may be of additional assistance.

Sincerely yours,

William F. Hammett

lc

Enclosure

cc: Ms. Karen Pardieck (w/encl) - BY E-MAIL KAREN.PARDIECK@T-MOBILE.COM

**T-Mobile West Corp. • Proposed Base Station (Site No. SF13134G)
Golden Oak Drive and Peak Lane • Portola Valley, California**

Statement of Hammett & Edison, Inc., Consulting Engineers

The firm of Hammett & Edison, Inc., Consulting Engineers, has been retained on behalf of T-Mobile West Corp., a personal telecommunications carrier, to evaluate its base station (Site No. SF13134G) proposed to be located at Golden Oak Drive and Peak Lane in Portola Valley, California, for compliance with appropriate guidelines limiting sound levels from the installation.

Prevailing Standard

The Town of Portola Valley sets forth noise limits in Chapter 9.10 of its municipal code. Table 9.10-1 “Non-Transportation Generated Noise Standards” specifies the following limits on average and maximum noise levels by land use receiving the noise:

<u>Land Use</u>	<u>Day (7 a.m.–10 p.m.)</u>		<u>Night (10 p.m.–7 a.m.)</u>	
	<u>Average</u>	<u>Maximum</u>	<u>Average</u>	<u>Maximum</u>
Residential	50 dBA	65 dBA	40 dBA	55 dBA
Medical/Convalescent	55	70	45	60
Church/Meeting Hall	55*			
School/Library/Museum	55*			
Playground/Park	55*			

Figure 1 attached describes the calculation methodology used to determine applicable noise levels for evaluation against the prevailing standard.

General Facility Requirements

Wireless telecommunications facilities (“cell sites”) typically consist of two distinct parts: the electronic base transceiver stations (“BTS” or “cabinets”) that are connected to traditional wired telephone lines, and the antennas that send wireless signals created by the BTS out to be received by individual subscriber units. The BTS are often located outdoors at ground level and are connected to the antennas by coaxial cables about 1 inch thick. The BTS typically require environmental units to cool the electronics inside. Such cooling is often integrated into the BTS, although external air conditioning may be installed, especially when the BTS are housed within a larger enclosure.

Most cell sites have back-up battery power available, to run the site for some number of hours in the event of a power outage. Many sites have back-up power generators installed, to run the site during an extended power outage.

* Only daytime average limits for these land use categories were specified in the code. It is presumed that these limits would apply for nighttime conditions, as well.



**T-Mobile West Corp. • Proposed Base Station (Site No. SF13134G)
Golden Oak Drive and Peak Lane • Portola Valley, California**

Site & Facility Description

Based on information provided by T-Mobile, including zoning drawings by ZON Architects, dated September 18, 2009, that carrier proposes to install four Ericsson Model 2102 cabinets† unit inside a 20-foot square fenced compound to be sited north of the municipal water tank located at Golden Oak Drive and Peak Lane in Portola Valley. The nearest residential property lines are at the fence to the northwest, approximately 37 feet away, and across Peak Lane to the northeast, approximately 72 feet away. T-Mobile proposes to install directional antennas on a new pole at the site, configured to resemble a pine tree, but this portion of its facility does not generate acoustical energy, nor are there reported other significant acoustical sources at or near the site.

Study Results

Based on data from Ericsson, the noise levels at 1 meter from the cabinets are 62, 53, 59, and 58 dBA to the front, rear, right, and left of the units, respectively. For the simultaneous operation of all four cabinets, the maximum calculated noise level to the northwest is 42.6 dBA and to the northeast is 38.0 dBA. Both of these levels are below the tighter 55 dBA maximum limit at night set forth in the Town's code, by a considerable margin of at least 12 dBA. These levels are also below the 50 dBA daytime average limit, by a margin of at least 7 dBA. Thus, only the 40 dBA nighttime average limit might be exceeded by the proposed T-Mobile operation, depending on the duty cycles of the air conditioning in the separate cabinets, since they would not be expected to be operating continuously, especially at night.

Recommended Mitigation Measure

Nevertheless, in order to bring the maximum nighttime average levels below 40 dBA, it is recommended that the fence along the northwest and northeast faces be constructed at 8 feet in height and in conformance with the design shown in Figure 2 attached.

Conclusion

Based on the information and analysis above, it is the undersigned's professional opinion that the T-Mobile West Corp. base station proposed to be located at Golden Oak Drive and Peak Lane in Portola Valley, California, will comply with the Town's limits on acoustic noise emissions.

† The battery backup unit proposed earlier is now to be incorporated below one of the Model 2102 cabinets and does not require additional cooling.



**T-Mobile West Corp. • Proposed Base Station (Site No. SF13134G)
Golden Oak Drive and Peak Lane • Portola Valley, California**

Authorship

The undersigned author of this statement is a qualified Professional Engineer, holding California Registration Nos. E-13026 and M-20676, which expire on June 30, 2011. This work has been carried out under his direction, and all statements are true and correct of his own knowledge except, where noted, when data has been supplied by others, which data he believes to be correct.

March 16, 2010

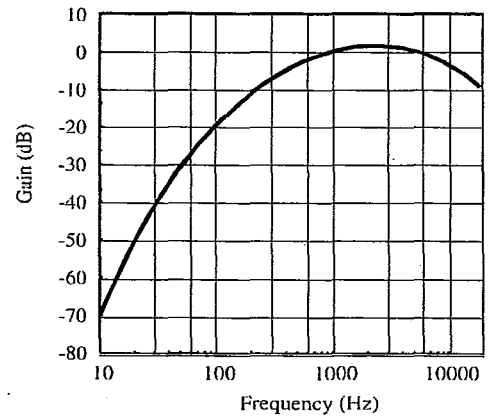


William F. Hammett
William F. Hammett, P.E.



Noise Level Calculation Methodology

Most municipalities and other agencies specify noise limits in units of dBA, which is intended to mimic the reduced receptivity of the human ear to Sound Pressure (“L_P”) at particularly low or high frequencies. This frequency-sensitive filter shape, shown in the graph to the right as defined in the International Electrotechnical Commission Standard No. 179, the American National Standards Institute Standard No. 5.1, and various other standards, is also incorporated into most calibrated field test equipment for measuring noise levels.



30 dBA	library
40 dBA	rural background
50 dBA	office space
60 dBA	conversation
70 dBA	car radio
80 dBA	traffic corner
90 dBA	lawnmower

The dBA units of measure are referenced to a pressure of 20 μPa (micropascals), which is the threshold of normal hearing. Although noise levels vary greatly by location and noise source, representative levels are shown in the box to the left.

Manufacturers of many types of equipment, such as air conditioners, generators, and telecommunications devices, often test their products in various configurations to determine the acoustical emissions at certain distances. This data, normally expressed in dBA at a known reference distance, can be used to determine the corresponding sound pressure level at any particular distance, such as at a nearby building or property line. The sound pressure drops as the square of the increase in distance, according to the formula:

$$L_P = L_K + 20 \log(D_K/D_P),$$

where L_P is the sound pressure level at distance D_p and L_K is the known sound pressure level at distance D_K.

Individual sound pressure levels at a particular point from several different noise sources cannot be combined directly in units of dBA. Rather, the units need to be converted to scalar sound intensity units in order to be added together, then converted back to decibel units, according to the formula:

where L_T is the total sound pressure level and L₁, L₂, etc are individual sound pressure levels.

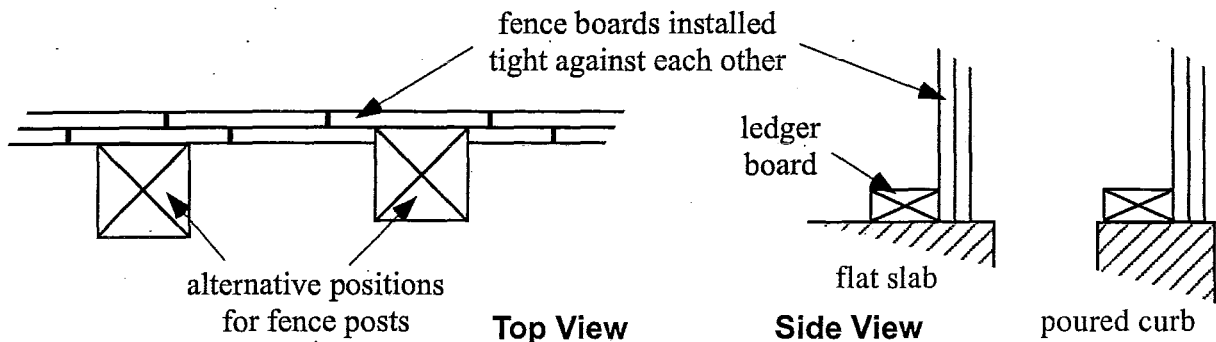
$$L_T = 10 \log (10^{L_1/10} + 10^{L_2/10} + \dots),$$

Certain equipment installations may include the placement of barriers and/or absorptive materials to reduce transmission of noise beyond the site. Noise Reduction Coefficients (“NRC”) are published for many different materials, expressed as unitless power factors, with 0 being perfect reflection and 1 being perfect absorption. Unpainted concrete block, for instance, can have an NRC as high as 0.35. However, a barrier’s effectiveness depends on its specific configuration, as well as the materials used and their surface treatment.

Recommended Construction Style of Wood Fences for Moderate Sound Attenuation

Wood fences are easy to construct and can provide desirable attenuation of acoustic noise from generators or other continuously running equipment. For effective sound attenuation, material thickness and continuity is important.

Typical fence boards are nominally 1 inch thick ($\frac{3}{4}$ inch actual). Installing two layers of such boards with staggered joints provides improved thickness and continuity compared to the single layer used in common fence installations, especially after taking into account the considerable material shrinkage that can occur in the first few months. Lapping over the joints at fence posts precludes gaps at those locations. Securing the bottom of the fence boards against a ledger board nominally 2 inches thick ($1\frac{1}{2}$ inches actual) precludes a gap forming at that location, too; the ledger should be set on a bed of caulking. The diagrams below illustrate the recommended design; the fence boards may be attached on either the inside or the outside. A fence constructed in this manner can be expected to reduce noise from one side to the other by at least 3 dBA.



Fence height is an important factor, as well, and it is desirable to have the fence extend as high above a noise source as it is spaced away from that source. Thus, a fence 5 feet from a 3-foot-high noise source should be 8 feet tall, as should a fence located 3 feet from a 5-foot-high source. Fences no taller than the noise source may provide some attenuation, depending on their distance from the source, and fences shorter than the source likely provide no significant attenuation.

Note: Diagrams not to scale. It is presumed that suitable professionals will specify appropriate foundation and structural details to meet relevant code requirements.





Cell Sites and Property Values

REAL ESTATE APPRAISALS SHOW PRESENCE OF NEARBY CELL SITES DOES NOT ADVERSELY AFFECT PROPERTY VALUES¹

- *"Cellular phone towers do not have a measurable or identifiable impact on residential property values."*
- The Valuation Group, Inc. in a study conducted for Twin Cities 13-County Metropolitan Area, Minnesota and Western Minnesota, January 2007
- *"Not a single example was found to support the test hypothesis that property values decline after the installation of a Wi-Fi or wireless antenna."*
- Farantello and Associates in a study of numerous properties and communities in southern California, April 2008
- *"There is no diminution in the value of homes with a view of a telecommunications facility."*
- Lane Appraisals, Inc. in a study of Armonk, New York, May 2006

TOWN OF PORTOLA VALLEY

RECEIVED

T-Mobile

Growing demand for wireless service creates the need to add wireless communications facilities in residential neighborhoods. While there has been public concern about the impact these sites may have on property values, to date there is no convincing evidence that there is any adverse effect. T-Mobile recognizes that maintaining property values in the vicinity of a new site is of critical concern to homeowners. We carefully consider the needs of local communities when selecting new cell site locations as we strive to meet your needs for reliable service.

Importance of reliable wireless coverage to customers

Cell sites need to be located where people use their cell phones, and people increasingly use them at home and throughout their neighborhoods for personal communications, commerce, business communications, and more. In fact, recent studies indicate that more than half of all cell phone calls are made from homes. What's more, according to a study from The Nielsen Company, more than 20 million U.S. households (17 percent) do not have landlines and rely solely on mobile phones.²

Dependable wireless service is critical to personal and public safety

Another reason wireless networks need to provide reliable coverage and handle high capacity is because both people in distress and emergency responders now rely on cell phones in times of emergency

- The National Emergency Number Association (NENA) estimates that more than half the emergency 9-1-1 calls in the U.S. today are made from cell phones.³
- Per Pew Research, 74 percent of Americans who own mobile phones said they have used their handheld devices in an emergency and gained valuable help.⁴

Questions about wireless and home values

Some homeowners have questions about whether the presence of new cell sites affects their ability to sell their homes. One issue is whether there are undesirable health effects from living or working near a tower. The Federal Communications Commission and independent organizations like the American Cancer Society and World Health Organization consistently say there is no evidence that exposure to the low level of RF signals emitted by cell sites poses a health risk

Another issue is the assumption that new towers may degrade views or otherwise be unsightly. Wireless carriers are sensitive to the needs of each community and work to reduce the visual impact of a cell site on the local community through design elements like camouflage and landscaping. In addition, T-Mobile is committed to minimizing the need for new freestanding structures, and roughly two-thirds of our wireless facilities are built on existing structures, such as local government buildings, rooftops, and utility poles.



How wireless availability can enhance neighborhoods

Real estate professionals continually tell us that reliable wireless coverage is of significant value to homeowners. Many buyers test the wireless signal of a prospective home as they walk to the front door, and most won't consider a home without reliable coverage. This anecdotal information is reinforced by an article published in the professional journal of the Appraisal Institute. In looking at real estate appraisals conducted in the northeast U.S., the article states, "The advantages afforded by telecommunication facilities more often than not outweigh any negative effects." The conclusion is that wireless communication service "enhances local communication, education, productivity, work efficiency efforts, and public safety services and security."³

Increased wireless usage drives need for expanded wireless network

Clearly, the availability of reliable wireless service has become a "must-have" for new homes and neighborhoods. In order to accommodate the increasing call and data volume, as well as avoid unreliable coverage, wireless carriers must add sites to wireless networks in local areas. Independent appraisers across the country have analyzed the potential impact new sites might have on local property values. These studies demonstrate that having a cell site nearby does not diminish property values.

LEARN MORE

Please visit www.t-mobile-takeaction.com for additional information about wireless communications.

CONTACT US

If you have questions on the information provided in this fact sheet, please contact natextaffairs@t-mobile.com

T-MOBILE USA
12920 SE 38th Street
Bellevue, Washington 98006



**T-Mobile West Corp. • Proposed Base Station (Site No. SF13134G)
Golden Oak Drive and Peak Lane • Portola Valley, California**

Statement of Hammett & Edison, Inc., Consulting Engineers

The firm of Hammett & Edison, Inc., Consulting Engineers, has been retained on behalf of T-Mobile West Corp., a personal wireless telecommunications carrier, to evaluate the base station (Site No. SF13134G) proposed to be located near the intersection of Golden Oak Drive and Peak Lane in Portola Valley, California, for compliance with appropriate guidelines limiting human exposure to radio frequency ("RF") electromagnetic fields.

Prevailing Exposure Standards

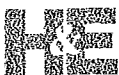
The U.S. Congress requires that the Federal Communications Commission (FCC) evaluate its actions for possible significant impact on the environment. In Docket 93-62, effective October 15, 1997, the FCC adopted the human exposure limits for field strength and power density recommended in Report No. 86, "Biological Effects and Exposure Criteria for Radiofrequency Electromagnetic Fields," published in 1986 by the Congressionally chartered National Council on Radiation Protection and Measurements ("NCRP"). Separate limits apply for occupational and public exposure conditions, with the latter limits generally five times more restrictive. The more recent standard, developed by the Institute of Electrical and Electronics Engineers and approved as American National Standard ANSI/IEEE C95.1-2006, "Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3 kHz to 300 GHz," includes similar exposure limits. A summary of the FCC's exposure limits is shown in Figure 1. These limits apply for continuous exposures and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health.

The most restrictive FCC limit for exposures of unlimited duration to radio frequency energy for several personal wireless services are as follows:

Personal Wireless Service	Approx. Frequency	Occupational Limit	Public Limit
Broadband Radio ("BRS")	2,600 MHz	5.00 mW/cm ²	1.00 mW/cm ²
Advanced Wireless ("AWS")	2,100	5.00	1.00
Personal Communication ("PCS")	1,950	5.00	1.00
Cellular Telephone	870	2.90	0.58
Specialized Mobile Radio ("SMR")	855	2.85	0.57
Long Term Evolution ("LTE")	700	2.33	0.47
[most restrictive frequency range]	30-300	1.00	0.20

General Facility Requirements

Base stations typically consist of two distinct parts: the electronic transceivers (also called "radios" or "channels") that are connected to the traditional wired telephone lines, and the passive antennas that send the wireless signals created by the radios out to be received by individual subscriber units. The





ZON Architects, Inc.
A California Corporation

**T-Mobile West Corporation
Proposed Cellular Telephone Facility
Use Permit Application Supplement**

March 31, 2010

Site Name & Number: **GOLDEN OAK WATER TANK – SF13134G**

USE PERMIT APPLICATION: **X7D-170**

Site Location: Golden Oak Drive @ Peak Lane, Portola Valley, CA 94028

Subject Property: APN 079-092-350 being approximately .75 of an acre which supports a Water tank approximately 23.5' tall by 70' in diameter and is zoned R-1.

Property Owner: California Water Service Co.
341 North Delaware St.
San Mateo, CA 94401-1727
(650) 558-7800

Applicant: T-Mobile West Corporation
1855 Gateway Blvd
Suite 900
Concord, CA 94520
(925) 521-5500

Representative: ZON Architects, Inc.
Greg Guerrazzi
660 Fourth Street, # 255
San Francisco, CA 94107
(707) 935-1111 office

gregguerrazzi@vom.com

Project Description: T-Mobile proposes to construct and operate an unmanned wireless telecommunications facility at the above referenced location. The facility will consist of three (3) antennas mounted on a 50' tall stealth antenna support structure with two (2) ground mounted equipment cabinets and associated utility panels enclosed in a 15' x 15' x 8' tall fenced compound. Telephone and electrical services will be extended to the site by an underground trench located in the existing gravel access road.

T-Mobile Subscribers: The Town has asked for information on the number of T-Mobile subscribers in the Town limits. Following is a statement obtained from T-Mobile regarding this request.

“The wireless industry is very competitive and in order to safeguard our business there is certain data we are unable to disclose. It is a corporate policy not to disclose the number of T-Mobile subscribers in a specific market.

We can share that our subscriber base continues to grow at a substantial rate, locally, statewide and nationally. By the end of 2009, T-Mobile served 33.8 million customers.”

Microcell Technical Data:

JPA (Joint Pole Association) / Micro cell site consists of the following equipments:

- Utility/Telco Box hosting: Telco, LMU (E911) and Power
- 3 Radio cabinets
- 3 Antennas
- PG&E Power meter
- GPS Antenna

Please see the attached drawing

Each Radio cabinet connects to 1 antenna using 2 feeder lines (Coax).

Coverage provided by a JPA / Micro cell site is decided by the following factors:

- Antenna type
- Antenna installation height

In general, antennas installed on JPA / Micro cell sites are smaller in size and have less power output (Gain) than antennas installed on regular Telecommunication sites. This will cause the coverage provided by a JPA site to be smaller than a regular Telecommunication site. In addition antenna installation height on a JPA is usually lower than a regular Telecommunication sites and this factor makes JPA site coverage smaller than a regular site.

Due to the above factors it requires several JPA sites in order to match the coverage of a regular Telecommunication site.

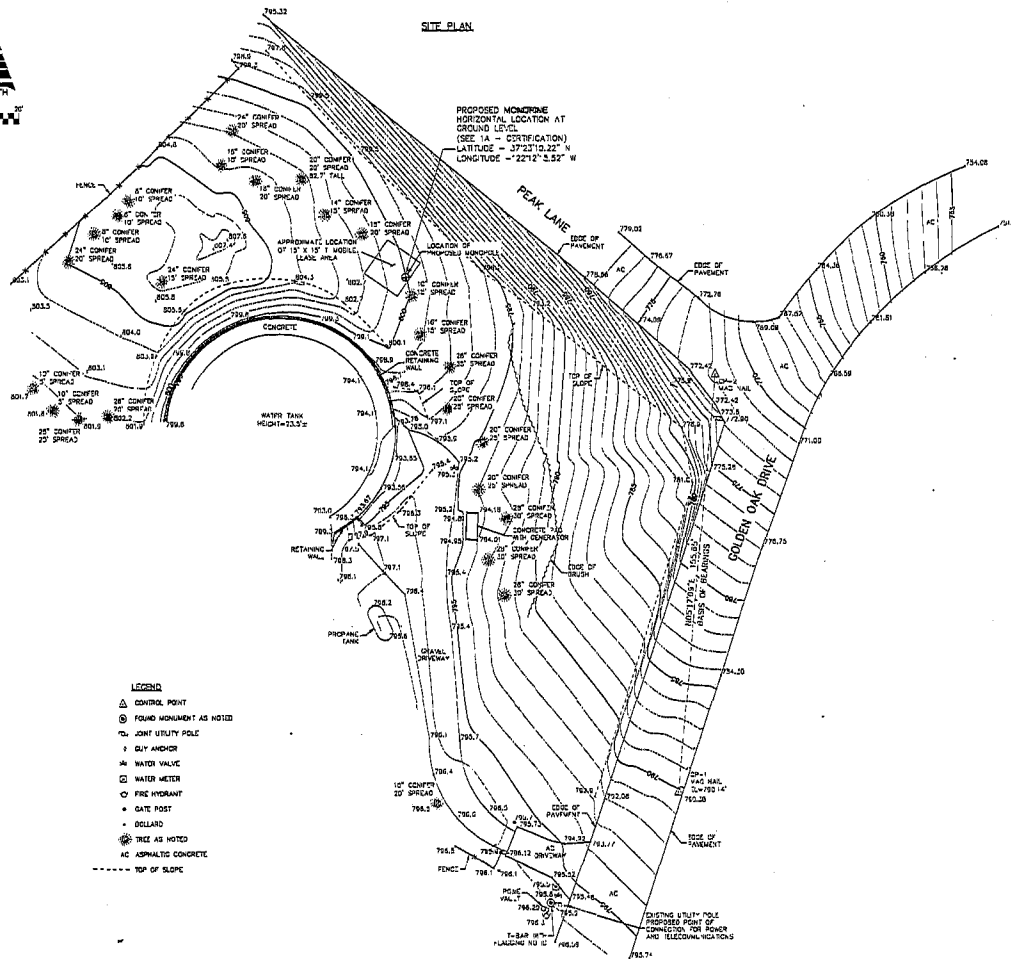
BASIS OF BEARINGS:
THE BASIS OF BEARINGS FOR THIS SURVEY IS ASSUMED BETWEEN CONTROL POINT 1 (CP-1) AND CONTROL POINT 2 (CP-2). THE BEARING BETWEEN CONTROL POINTS BEING NORTH 0517'09" EAST.

BASIS OF ELEVATIONS:
THE ELEVATIONS FOR THIS SURVEY ARE BASED UPON CONTROL POINT 1 (CP-1). THE ELEVATION OF SAID CONTROL POINT IS 750.14 FEET (NAVD-88).

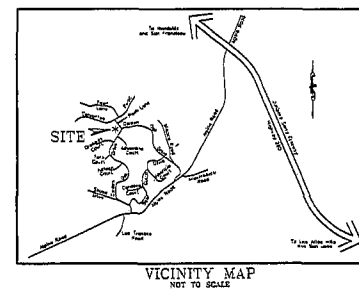
SURVEYOR STATEMENT:
THIS MAP WAS PREPARED UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY CONDUCTED ON AUGUST 20, 2009. I HEREBY STATE THAT THE L&A CERTIFICATION SHOWN HEREON IS TRUE AND CORRECT.

KONRAD M. STINCHFIELD, L.S. 7973
LICDSE EXPIRES: 12/31/2010

DATE _____



- LEGEND**
- ▲ CONTROL POINT
 - △ FOUND MONUMENT AS NOTED
 - JOINT UTILITY POLE
 - ⊕ GUY ANCHOR
 - ⊕ WATER VALVE
 - ⊕ WATER METER
 - FIRE HYDRANT
 - GATE POST
 - BOLLARD
 - ⊕ TREE AS NOTED
 - AC ASPHALTIC CONCRETE
 - TOP OF SLOPE



L&A ACCURACY CERTIFICATION

THE GEODETIC COORDINATES (NAD-83) FOR THE PROPOSED MONOPOLE:

LATITUDE: 37°23'10.22" N
LONGITUDE: 122°12'15.52" W

THE ELEVATIONS HEREON ARE ABOVE MEAN SEA LEVEL (NAVD-88) AND ARE AS FOLLOWS:

GROUND ELEVATION AT POLE BASE: 800.00 FT.
TOP OF EXISTING POLE: 847.50 FT.
DESIGN TOP OF POLE ELEVATION: 850.00 FT.

THE ACCURACY STANDARDS FOR THIS CERTIFICATION ARE AS FOLLOWS:

GEODETIC COORDINATES: ± FIFTEEN (15) FEET (NAD-83)
ELEVATIONS: ± THREE (3) FEET (NAVD-88)

GEODETIC COORDINATES SHOWN HEREON ARE BASED UPON PHYSICAL OBSERVATIONS TO KNOWN NATIONAL GEODETIC SURVEY (NGS) MONUMENTS. THE COORDINATES PUBLISHED AS OF DATE OF THIS SURVEY ARE FOR SPOON 2007.00.

ELEVATIONS SHOWN HEREON ARE FROM DIFFERENTIAL LEVELING USING GLOBAL POSITIONING SYSTEMS. DIFFERENTIAL LEVELS WERE DETERMINED FROM PHYSICAL OBSERVATIONS TO KNOWN NGS MONUMENTS WITH NAVD-88 VALUES PUBLISHED BY NGS AS OF THE DATE OF THIS SURVEY.

THE HORIZONTAL LOCATION OF THE PROPOSED ANTENNA RAD CENTER, THE HEIGHT OF THE PROPOSED MONOPOLE WERE PROVIDED BY ZON ARCHITECTS, INC.

- SURVEY NOTES**
1. THIS IS NOT A BOUNDARY SURVEY.
 2. PROPERTY LINES AND EASEMENTS HAVE NOT BEEN RESEARCHED, INVESTIGATED, OR SURVEYED AS A PART OF THIS SURVEY.
 3. NO PROPERTY MONUMENTS WERE SET DURING THIS SURVEY.
 4. THE LOCATION OF EXISTING UTILITY FACILITIES HAS NOT BEEN RESEARCHED. THIS SURVEY DEPICTS ONLY SURFACE EVIDENCE OF UNDERGROUND FACILITIES TO THE EXTENT SPECIFIED BY THE CLIENT. THE CONTRACTOR SHALL CONTACT THE RESPECTIVE UTILITY SERVICE PROVIDER TO OBTAIN INFORMATION REGARDING BURIAL DEPTH AND HORIZONTAL LOCATION OF FACILITIES PRIOR TO CONSTRUCTION. MICHAEL, DEQUINE AND ASSOCIATES, INC. ASSUMES NO RESPONSIBILITY FOR THE DELINEATION OF SUCH FACILITIES NOR FOR THE PRESENCE OF, OR LACK OF FACILITIES, WHETHER OR NOT SUCH FACILITIES ARE DEPICTED HEREON.
 5. ANY ELECTRONIC DIGITAL MEDIA PROVIDED BY MICHAEL, DEQUINE AND ASSOCIATES, INC. TO OUR CLIENT IS FOR CONVENIENCE. ONLY THE FINAL STAMPED, SIGNED AND DATED ORIGINAL HAND-COPY VERSION OF OUR MAP OR SURVEY IS CONSIDERED TO BE OUR LEGALLY RECOGNIZED PRODUCT. MICHAEL, DEQUINE AND ASSOCIATES, INC. ASSUMES NO RESPONSIBILITY FOR THE CORRECTNESS OF ELECTRONIC MEDIA.

T-Mobile West Corporation
A Division Corporation

1855 GATEWAY BLVD., 9TH FLOOR
CONCORD, CA 94520

PROJECT INFORMATION:

SF13134G
GOLDEN OAK WATER TANK
GOLDEN OAK DR. & PEAK LN.
PORTOLA VALLEY, CA 94028

CURRENT ISSUE DATE:
7 / 02 / 2010

ISSUED FOR:

ZONING

REV. DATE: DESCRIPTION: BY:

△	2/22/2010	100% 2D	MH
△	7/22/2010	100% 2D	NS
△			
△			

PROJECT ARCHITECT/ENGINEER:

ZON ARCHITECTS
ZON ARCHITECTS, INC.
860 8TH STREET #203
SAN FRANCISCO, CA 94107
PHONE: (415) 740-9874
FAX: (415) 354-3522

CONSULTANT:

Michael Dequine and Associates, Inc.
2284 Gateway Drive, Suite 110
Concord, CA 94520
Phone: (925) 828-0222
Fax: (925) 828-1025

MD&A JOB NO. 09-0022

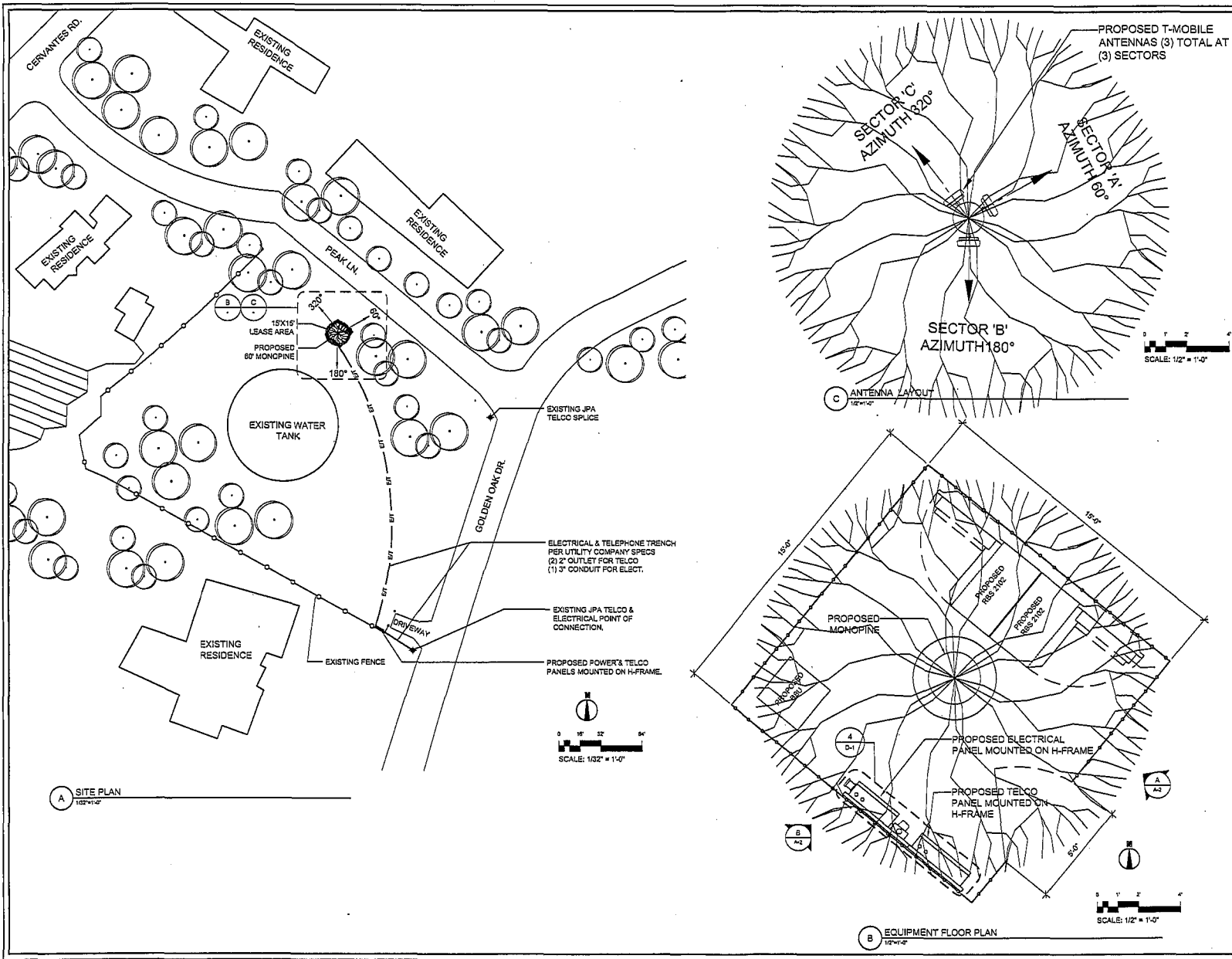
DRAWN BY: _____ CHK: _____ APV: _____

MH N.S. D.E.

LICENSER:

SHEET TITLE:
SITE SURVEY

SHEET NUMBER:
C-1



T-Mobile West Corporation
A Delaware Corporation
1855 GATEWAY BLVD., 9TH FLOOR
CONCORD, CA 94520

PROJECT INFORMATION:
SF13134G
GOLDEN OAK WATER TANK
GOLDEN OAK DR. & PEAK LN,
PORTOLA VALLEY, CA 94028

CURRENT ISSUE DATE:
7 / 02 / 2010

ISSUED FOR:
ZONING

REV.	DATE	DESCRIPTION	BY
1	02/22/10	100% 2D	MH
2	7/22/10	100% 3D	NS
3			
4			

PROJECT ARCHITECT/ENGINEER:
ZON ARCHITECTS
ZON ARCHITECTS, INC.
660 4TH STREET #255
SAN FRANCISCO, CA 94117
PHONE: (415) 740-9274
FAX: (415) 354-3552

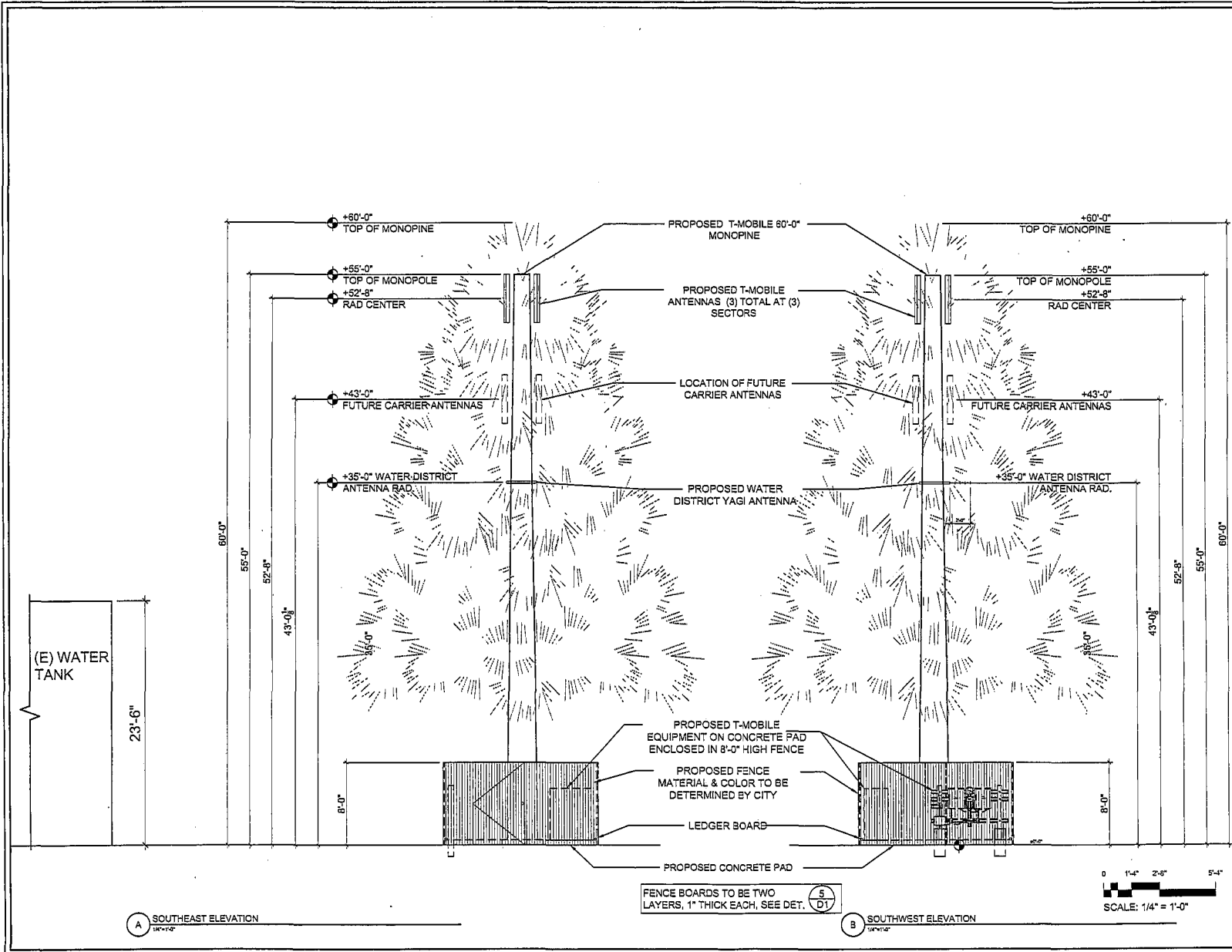
CONSULTANT:

DRAWN BY: _____ CHK.: _____ APV.: _____
MH N.S. D.E.

LICENSER:

SHEET TITLE:
SITE PLAN

SHEET NUMBER:
A-1



T-Mobile West Corporation
A Delaware Corporation
1855 GATEWAY BLVD., 9TH FLOOR
CONCORD, CA 94520

PROJECT INFORMATION:
SF13134G
GOLDEN OAK WATER TANK
GOLDEN OAK DR. & PEAK LN.
PORTOLA VALLEY, CA 94028

CURRENT ISSUE DATE:
7 / 02 / 2010

ISSUED FOR:
ZONING

REV.	DATE	DESCRIPTION	BY
1	3/22/2010	100% 2D	MH
2	7/02/2010	100% 2D	NS

PROJECT ARCHITECT/ENGINEER:
ZON ARCHITECTS
ZON ARCHITECTS, INC.
860 4TH STREET #255
SAN FRANCISCO, CA 94107
PHONE: (415) 740-8974
FAX: (415) 354-3302

CONSULTANT:

DRAWN BY: _____ CHK. _____ APV. _____
MH N.S. D.E.

LICENSER:

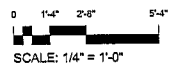
SHEET TITLE:
ELEVATION

SHEET NUMBER:
A-2

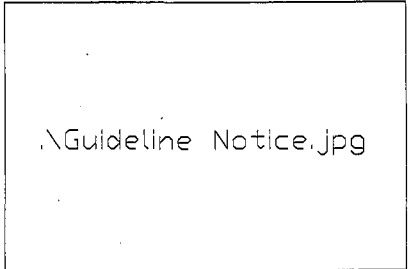
A **SOUTHEAST ELEVATION**
1/8" = 1'-0"

B **SOUTHWEST ELEVATION**
1/8" = 1'-0"

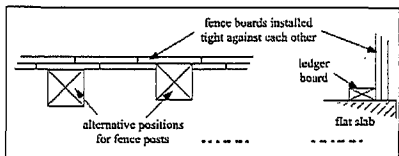
FENCE BOARDS TO BE TWO LAYERS, 1" THICK EACH, SEE DET. **(S D1)**



RF SCHEDULE										
SECTOR	ANTENNA							COAX		
	MODEL	QTY	TMA	EDT	MDT	AZIMUTH	SIZE	QTY	LENGTH	
1	ALFA	APX16DWW-16DWW-S-E-A20	1	2	4	0	60°	7/8"	4	±40'
2	BETA	APX16DWW-16DWW-S-E-A20	1	2	3	0	180°	7/8"	4	±40'
3	GAMA	APX16DWW-16DWW-S-E-A20	1	2	3	0	320°	7/8"	4	±40'

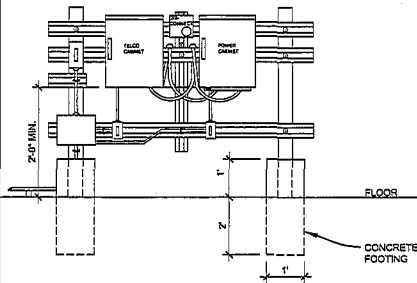


3 RF SCHEDULE



5 FENCE DETAILS

SCALE: 1/2"=1'-0"
DWG:

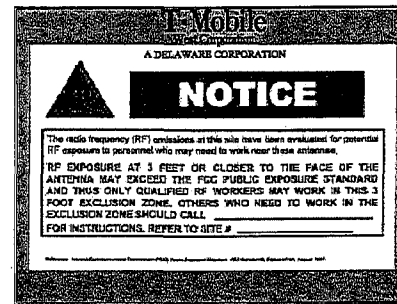


4 H-FRAME MOUNT DETAIL

SCALE: N.T.S.
DWG:

1 RF GUIDELINES NOTICE SIGN

SCALE: N.T.S.
DWG: SIGNAGE



2 RF SIGNAGE

SCALE: N.T.S.
DWG: SIGNAGE

T-Mobile West Corporation

A Delaware Corporation

1855 GATEWAY BLVD., 9TH FLOOR
CONCORD, CA 94520

PROJECT INFORMATION:

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GOLDEN OAK WATER TANK
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CURRENT ISSUE DATE:

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ZONING

REV. DATE DESCRIPTION BY

△	2/22/2010	100% 2D	MH
△	7/02/2010	100% 2D	NS
△			
△			

PROJECT ARCHITECT/ENGINEER:

ZON
ARCHITECTS

ZON ARCHITECTS, INC.
880 4TH STREET #255
SAN FRANCISCO, CA 94107
PHONE: (415) 740-8974
FAX: (415) 354-3502

CONSULTANT:

DRAWN BY: _____ CHK: _____ APV: _____

MH N.S. D.E.

LICENSER:

SHEET TITLE:

SIGNAGE
& MISC DETAILS

SHEET NUMBER:

D-1

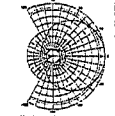
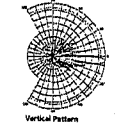
Optimize™ Panel Dual Polarized Antenna equipped with (2) AISG 2.0 ACU motor

Product Description
A compromise of two X-Polarized antennas in a single regime, this pair of stacked X-Polarized antennas provides maximum performance at all elevation angles. It also features a wide coverage X-Pol. The antenna is optimized for performance across the entire AISG frequency band (1710-1755 MHz). The antenna comes cable-connected with two antenna control units (ACU).

- Features/Benefits**
- Variable electrical tilt (VET) - provides enhanced precision in controlling vertical beamwidth. The tilt is adjustable 0-10 deg.
 - High Suspension of all Upper Sidebooms (Typically <math>0.004L</math>).
 - Gain tapering - difference between AWS US (1710-1752 MHz) and DL (1740-1755 MHz) <math>4 dB</math>.
 - Two X-Polarized panels in a single regime.
 - Adequate horizontal beamwidth difference using between AWS US (1710-1752 MHz) and DL (1740-1755 MHz).
 - Low profile for low visual impact.
 - Dual polarized broadband design.
 - Includes (2) AISG 2.0 Compatible ACU-220 antenna control units.

Technical Specifications

Physical Specifications	
Frequency Range	1710-1755
Power Handling	200W CW
Gain	12.5 dBi
Beamwidth	100°
Efficiency	85%
SWR	1.5
VET	0-10°
Weight	15 lbs
Dimensions	18" x 18" x 12"
Mounting	Standard
Material	Aluminum
Finish	Black
Accessories	ACU-220
Lead Time	12 weeks
Warranty	3 years



Twin Tower Mounted Amplifier, Dual Duplexed, AWS

Product Description
Designed for use in AWS projects, these units provide base station receiver sensitivity and coverage. Use at those sites that require dual duplex operation in a single regime. These units are optimized and cover the entire AISG frequency band. The unit is attorney approved, weighing just 12 lbs and 9 lbs for a total unit. It is easy to install and meets FCC requirements for signal protection. The unit has a metallic base and the antenna is a split pipe allowing beam to bend with antenna rotation. Its standard configuration enables the unit to be a single feeder for both towers.

- Features/Benefits**
- AISG 2.0 compliant.
 - Two towers in a single enclosure - reduce tower load and installation time.
 - Low noise figure antenna feeder losses and enhances site coverage.
 - Feeding improves the isolation by active noise and interference.
 - Dual-duplex configuration enables use of a single feeder for both Tx and Rx.
 - Low insertion loss of Tx filter provides increased downlink coverage.
 - Economy light weight - reduce tower loading and facilitate installation.
 - Equipped with weather vane - guards against internal condensation.
 - Optional AISG connector location at bottom or top.

Technical Specifications

Electrical Specifications - RX	
Frequency Range	1710-1755
Power Handling	200W CW
Gain	12.5 dBi
Beamwidth	100°
Efficiency	85%
SWR	1.5
VET	0-10°
Weight	12 lbs
Dimensions	18" x 18" x 12"
Mounting	Standard
Material	Aluminum
Finish	Black
Accessories	ACU-220
Lead Time	12 weeks
Warranty	3 years



Twin Tower Mounted Amplifier, Dual Duplexed, AWS

Technical Specifications

System Specifications

Frequency Range	1710-1755
Power Handling	200W CW
Gain	12.5 dBi
Beamwidth	100°
Efficiency	85%
SWR	1.5
VET	0-10°
Weight	12 lbs
Dimensions	18" x 18" x 12"
Mounting	Standard
Material	Aluminum
Finish	Black
Accessories	ACU-220
Lead Time	12 weeks
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- Features/Benefits**
- AISG 2.0 compliant.
 - Two towers in a single enclosure - reduce tower load and installation time.
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 - Feeding improves the isolation by active noise and interference.
 - Dual-duplex configuration enables use of a single feeder for both Tx and Rx.
 - Low insertion loss of Tx filter provides increased downlink coverage.
 - Economy light weight - reduce tower loading and facilitate installation.
 - Equipped with weather vane - guards against internal condensation.
 - Optional AISG connector location at bottom or top.

Technical Specifications

Electrical Specifications - TX	
Frequency Range	1710-1755
Power Handling	200W CW
Gain	12.5 dBi
Beamwidth	100°
Efficiency	85%
SWR	1.5
VET	0-10°
Weight	12 lbs
Dimensions	18" x 18" x 12"
Mounting	Standard
Material	Aluminum
Finish	Black
Accessories	ACU-220
Lead Time	12 weeks
Warranty	3 years

RFI'S The Clear Choice™ Inc. ATMAA-14TD-142D Rev. A Print Date: 1/1/2008

RFI'S The Clear Choice™ Inc. ATMAA-14TD-142D Rev. A Print Date: 1/1/2008

RFI'S The Clear Choice™ Inc. ATMAA-14TD-142D Rev. A Print Date: 1/1/2008

PCTEL BLUEWAVE ANTENNAS

Yagi Antennas, 890-960 MHz, 10 dB gain

The BGYORAC has been engineered to provide high gain broadband performance between the frequencies of 890-960 MHz. Each Yagi also has a standard horizontal connector. High strength mounting clamp is supplied for vertical or horizontal polarization.

- Features**
- Dipole fully-mounted to boom
 - Through-boom elements fixed with stainless steel antenna screws
 - Mounting clamp included
 - Antenna is supplied with a 2" pigtail (RG213) and N female connector



Antenna Electrical Specifications

Model	Frequency Range	Horizontal Beamwidth	Vertical Beamwidth	Power to Back	Horizontal Gain	Vertical Gain
890-960 MHz	890-960 MHz	34°	46°	12 dB	10 dB	10 dB

Mechanical Specifications

Model	Dimensions (L x W x H)	Weight (lbs)	Material	Finish
890-960 MHz	18" x 18" x 12"	12 lbs	Aluminum	Black

PCTEL, Inc. W31: www.antenna.pcstel.com

MOTOROLA WIRELESS BRIDGES

PTP 54300 & PTP 58300

5.4 and 5.8 GHz Point-to-Point Bridges

Robust, Cost-Effective Wireless Ethernet Bridges



Robust, Cost-Effective Wireless Ethernet Bridges. The Motorola Wireless Bridge Ethernet Bridges - PTP 500 Series - are wireless (WiFi, 802.11n) and multiplexed channels, and are designed to provide high-speed, secure and cost-effective connectivity. Operating in the 5.4 and 5.8 GHz bands, the PTP 500 Series offers up to 25 Mbps and distances up to 100 miles (160 km). The antennas are designed for virtually any environment - roadside-of-right (RSOR), temporary construction sites and other applications. It is a complete end-to-end solution, including the antennas, the PTP 500 Series Ethernet Bridge, and the PTP 500 Series Ethernet Bridge. The PTP 500 Series Ethernet Bridge is a complete end-to-end solution, including the antennas, the PTP 500 Series Ethernet Bridge, and the PTP 500 Series Ethernet Bridge.

Technical Data

Model	Frequency Range	Horizontal Beamwidth	Vertical Beamwidth	Power to Back	Horizontal Gain	Vertical Gain
PTP 54300	5.4 GHz	34°	46°	12 dB	10 dB	10 dB
PTP 58300	5.8 GHz	34°	46°	12 dB	10 dB	10 dB

Mechanical Specifications

Model	Dimensions (L x W x H)	Weight (lbs)	Material	Finish
PTP 54300	18" x 18" x 12"	12 lbs	Aluminum	Black
PTP 58300	18" x 18" x 12"	12 lbs	Aluminum	Black

MOTOROLA, Inc. 1361 E. Republic Road, Schaumburg, Illinois 60196 USA

MOTOROLA WIRELESS BRIDGES

PTP 500 Series

Robust, Cost-Effective Wireless Ethernet Bridges. The Motorola Wireless Bridge Ethernet Bridges - PTP 500 Series - are wireless (WiFi, 802.11n) and multiplexed channels, and are designed to provide high-speed, secure and cost-effective connectivity. Operating in the 5.4 and 5.8 GHz bands, the PTP 500 Series offers up to 25 Mbps and distances up to 100 miles (160 km). The antennas are designed for virtually any environment - roadside-of-right (RSOR), temporary construction sites and other applications. It is a complete end-to-end solution, including the antennas, the PTP 500 Series Ethernet Bridge, and the PTP 500 Series Ethernet Bridge.

Technical Data

Model	Frequency Range	Horizontal Beamwidth	Vertical Beamwidth	Power to Back	Horizontal Gain	Vertical Gain
PTP 54300	5.4 GHz	34°	46°	12 dB	10 dB	10 dB
PTP 58300	5.8 GHz	34°	46°	12 dB	10 dB	10 dB

Mechanical Specifications

Model	Dimensions (L x W x H)	Weight (lbs)	Material	Finish
PTP 54300	18" x 18" x 12"	12 lbs	Aluminum	Black
PTP 58300	18" x 18" x 12"	12 lbs	Aluminum	Black

MOTOROLA, Inc. 1361 E. Republic Road, Schaumburg, Illinois 60196 USA

RFI'S The Clear Choice™ Inc.

Model	Frequency Range	Horizontal Beamwidth	Vertical Beamwidth	Power to Back	Horizontal Gain	Vertical Gain
ATMAA-14TD-142D	1710-1755 MHz	100°	10°	12 dB	12.5 dBi	12.5 dBi

RFI'S The Clear Choice™ Inc. ATMAA-14TD-142D Rev. A Print Date: 1/1/2008

RFI'S The Clear Choice™ Inc.

Model	Frequency Range	Horizontal Beamwidth	Vertical Beamwidth	Power to Back	Horizontal Gain	Vertical Gain
ATMAA-14TD-142D	1710-1755 MHz	100°	10°	12 dB	12.5 dBi	12.5 dBi

RFI'S The Clear Choice™ Inc. ATMAA-14TD-142D Rev. A Print Date: 1/1/2008

RFI'S The Clear Choice™ Inc.

Model	Frequency Range	Horizontal Beamwidth	Vertical Beamwidth	Power to Back	Horizontal Gain	Vertical Gain
ATMAA-14TD-142D	1710-1755 MHz	100°	10°	12 dB	12.5 dBi	12.5 dBi

RFI'S The Clear Choice™ Inc. ATMAA-14TD-142D Rev. A Print Date: 1/1/2008

T-Mobile West Corporation
A Delaware Corporation
1855 GATEWAY BLVD., 9TH FLOOR
CONCORD, CA 94520

PROJECT INFORMATION:
SF13134G
GOLDEN OAK WATER TANK
GOLDEN OAK DR. & PEAK LN,
PORTOLA VALLEY, CA 94028

CURRENT ISSUE DATE:
7 / 02 / 2010

ISSUED FOR:
ZONING

REV. DATE	DESCRIPTION	BY
20022910	100% ZD	NH
7/02/2010	100% ZD	NH

PROJECT ARCHITECT/ENGINEER:
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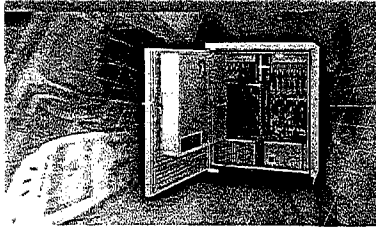
DRAWN BY: _____ CHK: _____ APV: _____
MH N.S. D.E.

LICENSER:

SHEET TITLE:
EQUIPMENTS SPECIFICATIONS

SHEET NUMBER:

D-2



RBS 2102

The RBS 2102 is an EDGE/GPRS capable outdoor RBS supporting up to six transmitters per carrier. It is possible to build one, two and three sector configurations including dual band configurations in one cabinet.

The RBS 2102 is normally ground or roof mounted and provides a durable, vandal resistant and weatherproof enclosure. Up to four hours integrated battery back-up time for a 1700 configuration is supported.

The RBS 2000 product family for Ericsson's GSM System offers the most advanced technology available. With Ericsson's wide range of RBS 2000 products, the most cost-effective alternative is chosen for each situation, depending on capacity, coverage, space and environmental requirements.

Fast rollout and expansion
RBS 2000 mounts above for easy installation, with on-site testing and commissioning within one hour. This is accomplished as the RBS is pre-assembled, and SW loaded and tested before delivery.

The flexible design of RBS 2000 supports a number of site configurations and expansion paths as the network grows. RBS 2000 is prepared for cost efficient upgrading with other RBS through airtime and feeder sharing.

RBS 2000 sites are pre-validated as product packages, which guarantees a fast and cost-effective method of typical RBS 2000 configurations.

Superior coverage and capacity

Ericsson provides superior radio performance thanks to the highest output power, combined with high receiver sensitivity for optimum coverage. Better coverage means less RBS in a given area, and therefore fewer investments and faster rollout. Another example of a cost saving feature is 121 km Collocated Range.

Different site types should be chosen, depending on the operator's requirements concerning initial cost, coverage and capacity needs, and on the future number of antennas, and available footprints. Ericsson RBS 2000 Macro supports three basic solutions: standard height, maximum height and High capacity. Maximum range is accomplished by the use of a combining and a tower mounted amplifier. Extended range and UoP capacity are accomplished by hybrid and fiber combiners.

Except for these basic solutions, smart range and the Ericsson unique software power boost are also available. With smart range, a capacity cell site provides cost-effective coverage. Software power boost extends the coverage of a cell by combining two transmitters into a virtual one by a simple SW command from the GSM base. Ericsson's synchronization based SSS feature ensures that transmitters from different generations of radio base stations can carry form common sites. Operators can therefore bridge the past with the future. By making existing sites (micro) (macro) are protected with integrating to GSM.

Prepared for the future

The RBS 2000 family is prepared for GSM data services, including General Packet Radio Service (GPRS), High Speed Circuit Switched Data (HSCSD) and 14.4 kbit/s Modems. RBS 2000 also supports EDGE (GPRS) with a new plug-in TRU. RBS 2000 supports Hierarchical Cell Structures (HCS) with up to three cell levels. With the optional SSS feature RBS 2000 synchronization, it is possible to have up to 32 transmitters in the cell. To reduce transmission costs, Ericsson RBS 2000 Macro offers two digital cross-connect solutions: the DXC plug-in or the Mini DXC. Both solutions can be fitted in the RBS 2102. Moreover equipment, such as the Ericsson MR4-LINK access module, can also be mounted in the RBS 2102.

Key features

- Six transmitters
- Superior radio performance
- Prepared for GPRS, packet positioning services
- Outdoor environment
- Vandal resistant
- Optionally including built-in transmitter equipment
- Supports Adaptive Handoffs
- Supports 32 TRX cell configurations
- Tower mounted amplifiers
- Integrated and optional external battery back-up
- Extended Range 121 km
- Supports EDGE, GPRS, HSCSD, 14.4 kbit/s data
- Supports extended GSM
- Dual band

Technical Specifications for RBS 2102, Radio Base Station for Ericsson's GSM System

Frequency band:	E-GSM 900, GSM 1800, GSM 1900
TC:	800-900, 1800-1900 or 1800-1920 MHz
Re:	800-900, 1710-1785 or 1800-1910 MHz
Number of transmitters:	1-6
Transmitters interface:	1x1 A6204 (TTL 5 mobile BT)
Dimensions (H x W x D):	1154 x 1200 x 710 mm (GSM 900) or 617 x 617 x 617 mm (GSM 1800)
Weight without battery:	480 kg (1067 lbs)
Power (no antenna heater):	22 W / 43.5 dBm (GSM 1800 / GSM 1900)
Receiver sensitivity:	-115 dBm
Power supply:	200-220V AC, 50 / 60 Hz
Integrated battery back-up:	Typical 4 hours (dry equipment)
Operating temperature:	+32°C to +45°C (32°F to +113°F)
Weatherproofing:	Min. level IP50 in IEC 528

Ericsson Radio Systems AB
www.ericsson.com

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ERICSSON

Product Data

11.1.4 Measurement

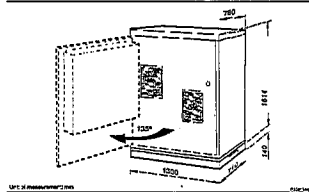


Figure 143 External dimensions of the cabinet and the base frame

11.1.5 Weights

Table 76 Weight of cabinet

Cabinet	Weight in Kilogram	Weight in Pound
Cabinet fully equipped	480 kg	1153 lb
Empty	70 kg	154 lb
Total weight	550 kg	1212 lb

11.1.6 Installation Frame

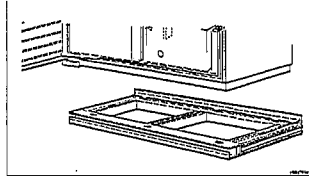


Figure 144 The installation frame

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Product Data

The installation frame is bolted to the surface where the cabinet is to be installed.

Notes: Side panels are included with the installation frame. After the installation of the cabinet the panels are inserted into the sides of the installation frame.

Installation Frame Footprint

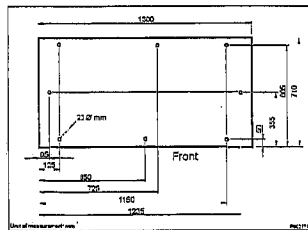


Figure 145 Installation frame foot print

This illustration shows the footprint of the installation frame and can be used as a guide for the holes in the mounting surface or to manufacture a mounting steel frame if necessary. The mounting screws for connection of the mounting base to the ground must be M16 (diam. 16 mm, metric thread) and have 25 to 35 mm length above the concrete surface.

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T-Mobile West Corporation
A Delaware Corporation

1855 GATEWAY BLVD., 9TH FLOOR
CONCORD, CA 94520

PROJECT INFORMATION:

SF13134G
GOLDEN OAK WATER TANK
GOLDEN OAK DR. & PEAK LN,
PORTOLA VALLEY, CA 94028

CURRENT ISSUE DATE:

7 / 02 / 2010

ISSUED FOR:

ZONING

REV. DATE DESCRIPTION BY:

REV.	DATE	DESCRIPTION	BY:
1	2002/10	100% 2D	MH
2	7/02/2010	100% 2D	NS

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LICENSER:

SHEET TITLE:

EQUIPMENTS
SPECIFICATIONS

SHEET NUMBER:

D-3

Policy Statement Regarding Wireless Communication Facilities

(adopted by the Portola Valley Town Council February 26, 1997)

Section 18.36.020 of the Portola Valley Municipal Code allows wireless communication facilities in all zoning districts as conditional uses. As part of the conditional use permit application process, the planning commission and town council, as authorized by §18.72.070.D, may require the applicant to submit sufficient information for them to make their required findings. In addition, under §18.72.140.A.12 the planning commission may require conformance with conditions that "will make possible the development of the town in an orderly and efficient manner and in conformity with the interest and purposes set forth in this title and the general plan." This document sets forth the town's policies, pursuant to the aforementioned provisions, for use in granting conditional use permits for wireless communication facilities.

1. Aboveground installation permitted

Wireless communication facilities may be installed above ground when stipulated in a conditional use permit approved by the planning commission or as a part of improvement plans for a subdivision approved by the town council. this policy is established pursuant to authorization by Section 18.36.010.B.9 of the zoning ordinance and Section 17.48.010 of the subdivision ordinance.

2. Applying for a single permit for several facilities

Multiple wireless communications facilities may be included in a single conditional use permit application with the permission of the town planner.

3. Application information

The information listed below may be required as part of an application for installation or modification of a wireless communication facility.

- A. Written description of the type of technology to be used and the types of consumer services to be offered during the time period covered by the permit;
- B. Map of the Town of Portola Valley and the area within one-half mile of its boundaries showing, with respect to its facilities:
 - (1) the locations of existing and proposed facilities,
 - (2) the geographic areas served by these facilities, and
 - (3) approximate locations of other facilities that would be needed to provide service to at least 75% of the Town's population;
- C. Alternative site analysis demonstrating the advantages of the proposed site(s) and the necessity of locating a wireless communication facility there;
- D. Facility design alternatives to the proposal;
- E. Copy of the license granted by the Federal Communications Commission if required for operation of the facility.

4. Preference for Non-residential Property

Wireless communication facilities shall be located on non-residential properties whenever technologically feasible and aesthetically acceptable.

5. Conditions for Granting a Conditional Use Permit

The planning commission shall require each of the following conditions unless it finds that some or all of them are unnecessary for, or inappropriate to, the project:

- A. The applicant shall permit collocation of other wireless communication facilities; subject to technological constraints and town approval. "Collocation" refers to the location of two or more wireless communication facilities on a single support structure or otherwise sharing a common location.
- B. The permit holder and the permit holder's successors-in-interest shall properly maintain the exterior appearance of the facility and remove the facility within

- ninety days, should use of the facility be discontinued by the carrier. If the permit holder does not remove the facility, the property owner shall be responsible.
- C. The permit shall be granted for an initial period not to exceed five years. Renewal of the permit must be requested by the applicant no less than ninety days before the permit expires. At the time of renewal, the Planning Commission may grant a permit for any period of time deemed appropriate, considering the rate of change in the industry and other appropriate factors.
- D. Within six months after the issuance of a conditional use permit, the applicant shall submit a report stamped by a licensed electrical engineer that provides cumulative field measurements of electromagnetic radiation at the site. The report shall quantify this radiation and compare it with the maximum standards accepted by the Federal Communications Commission. If emissions from the project exceed these standards, the report shall set forth a plan for bringing it into compliance within the shortest time possible. This plan shall be subject to approval by the town planner. If the project does not comply within the accepted time frame or the town planner does not accept the compliance plan, the town may take steps to revoke or modify this conditional use permit.
- E. As new technology becomes available, the applicant shall upgrade the facility as feasible to minimize impacts upon the community, including aesthetic impacts. If the facility is not upgraded within a reasonable amount of time, the town may take steps to revoke or modify the conditional use permit.
- F. If the holder of a conditional use permit intends to make physical changes to approved facilities, such changes shall be submitted to the town planner for review. If the town planner finds the changes to be of a minor nature and consistent with the general provisions of the permit, he may approve them. If he considers the changes to be more significant, but not of a magnitude to require a conditional use permit amendment, he may refer them to the planning commission

for review. If the planning commission determines the changes are consistent with the general provisions of the permit, it may approve the changes. Such determination is to ensure reasonable compliance with the terms of the permit and does not require a public hearing.

- G. The wireless communication facility shall be designed to be unobtrusive and compatible with the surrounding landscape. Facilities shall not be sited on exposed ridgelines, within important viewsheds, along public trails, or within public parks or other designated open space unless a finding is made that either such locations are not visually prominent or no other location is technically feasible.
- H. All components of a wireless communication facility shall be painted or otherwise finished to blend in with their environment and screened by landscaping or other means when possible and appropriate.
- I. Wireless communication facilities shall be designed to survive a natural disaster without interruption in service. To this end, the applicant shall submit a report stamped by a licensed structural engineer stating that the facility is designed to withstand the forces expected during the "maximum credible earthquake."
- J. The design of the facility shall include adequate security to prevent unauthorized access and vandalism.
- K. When a facility includes emergency generators, the generators shall be tested no more than necessary and only during daylight hours.
- L. The permittee shall defend, indemnify and hold harmless the Town, its agents, officers and employees from any claim, action or proceeding related to the Town's approval of the permit.
- M. The town may require a bond to guarantee compliance with items B, D, and E above.

6. Requirement of Franchise Agreement or Lease

When the wireless communication facility is located on land owned or controlled by the Town, a franchise agreement, lease, or other approval may be required in addition to the conditional use permit.

7. Reimbursement for town review

The applicant shall reimburse the town for the costs of town review of the proposed project as set forth in these regulations and/or pursuant to an approved conditional use permit.

Wireless Facility Engineering Review

T-Mobile Applications for Golden Oak Water Tank Site (SF13134G)
CUP X7D-170
Portola Valley, CA

Dieter J. Preiser, PMP

7/1/2010



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**T-Mobile Applications for Golden Oak Water Tank Site (SF13134G)
Portola Valley, CA**

RCC Consultants, Inc. has been engaged by Spangle Associates to conduct a peer review, consistent with recognized industry standard practices, of the proposal from T-Mobile to construct a wireless base station site at the Golden Oak Water Tank Site in Portola Valley, CA. RCC has performed many similar peer reviews for municipal clients throughout the US, including several in the San Francisco Bay area.

Surrounding Environment

The proposed site is located west of the intersection of Golden Oak Drive and Peak Lane, and is owned by the California Water Service Company. The immediate area is a residential neighborhood in relatively densely wooded and hilly terrain which presents challenges in terms of achieving good radio signal penetration.

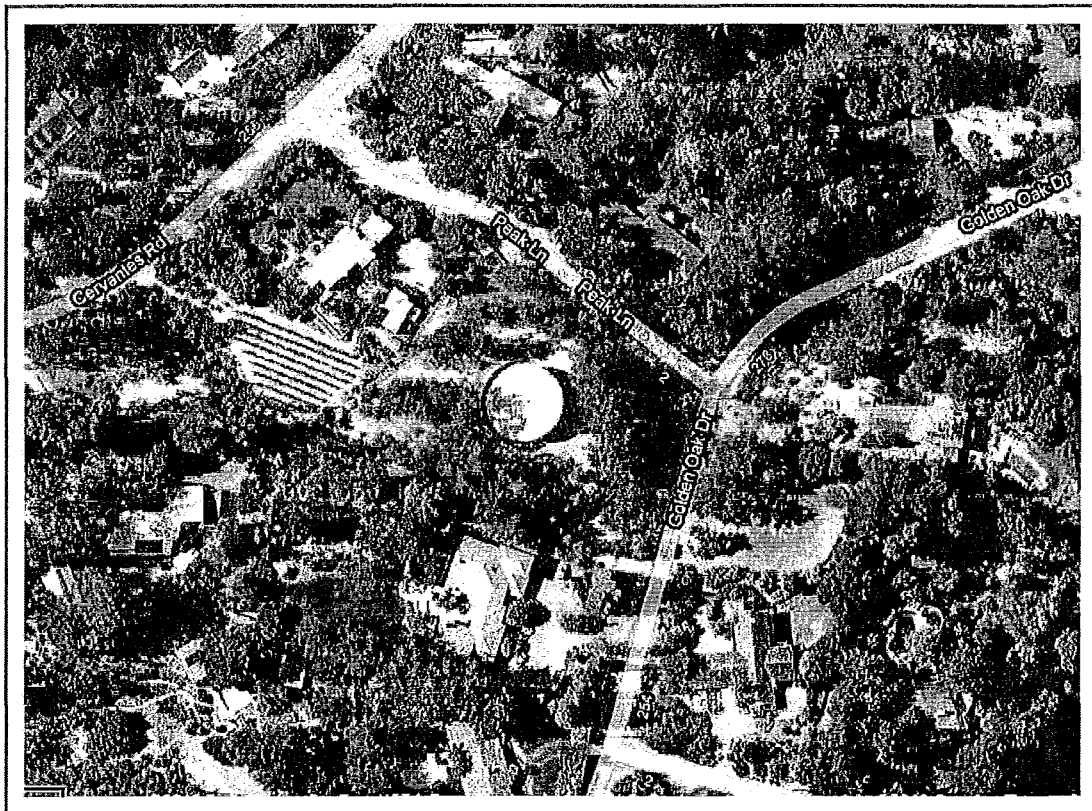


Figure 1 - Aerial View of the Vicinity

Proposed Antenna Installation Location

T-Mobile is licensed by the Federal Communications Commission to operate in the F-Block of the PCS frequency spectrum (1890-1895 MHz and 1970-1975 MHz). The applicant has proposed to locate the wireless telecommunications facility adjacent to an existing water tank, which is owned by the California Water Service Company. Two alternatives for an antenna mounting structure have been presented for this site: one based on a 50' monopole, the other based on a 50' monopine. T-Mobile is proposing to install a total of three panel antennas, each 55.9" x 13" x 3.15". In the case of the 50' monopole, the centerline of the antennas would be at 47.5', and in case of the 50' monopine, the centerline of the antennas would be at 43'.

The associated base station equipment will be located inside two equipment cabinets at the base of the antenna mounting structure in a 15'x 15' area service area bounded by an 8' fence. It should be noted that the Architectural and Site Control Commission has suggested the deployment of a 60' monopine and a larger equipment enclosure in order to accommodate collocation of up to two additional carriers in the future. Based on our experience, and in consideration of current and evolving wireless technologies, the additional structure height should provide sufficient antenna mounting space to accomplish that purpose. Although, it must be recognized, that coverage design objectives are unique to each carrier's particular network topology which may impact the optimum antenna mounting heights.

Methodology

In conducting a peer review, RCC reviews and analyzes site application documents against wireless industry standards and best practices. In this case, RCC considered the application and supplemental application materials submitted by T-Mobile, as well as the minutes of the April 7 planning commission meeting and public comments. RCC made several requests to T-Mobile for clarification, including parameters used for the RF coverage predictions and asked for additional supportive materials such as drive test data and parameters of the micro-cell design. T-Mobile responded with additional data which RCC then analyzed. For competitive reasons, Wireless carriers generally do not disclose detailed design parameters, such as thresholds for received signal strength margins and drive test data. Therefore, some of the supplemental data provided by T-Mobile is classified as confidential and is not included in this report; however, they were considered by RCC in reaching its conclusions. Upon request by Spangle

Associates, RCC also performed independent measurements of T-Mobile's existing network coverage in the subject target area.

Justification for the New Antenna Site

T-Mobile states that the proposed facility will greatly improve existing coverage and add a significant area to the T-Mobile network for use by emergency personnel as well as to the general public.

Wireless carriers generally design for sufficient signal strength to achieve adequate in-vehicle and in-building coverage in the target area. In the case of in-vehicle coverage, an idle phone is ordinarily assumed to be in a person's pocket, on belt, or in purse, relatively well below the window line. Radio signals are attenuated significantly as they propagate from free space through materials of varying density, such as those presented by a vehicle or building. To compensate for this attenuation, carriers design for additional signal margins over and above that required for reliable on-street coverage.

RCC has reviewed the coverage plots (propagation maps) indicating existing and post deployment coverage (Figures 2 and 3, respectively), submitted by T-Mobile. These propagation studies were performed using T-Mobile's proprietary RF analysis tool based on the COST 231 Model which is an extended version of the industry standard Okumura-Hata Model. The coverage maps provided indicated a significant gap in coverage in the surrounding area which would be filled by the proposed site. RF coverage maps based on statistical, predictive modeling methods should closely align with real world conditions and are accepted as sufficiently accurate to make sound design and investment decisions.

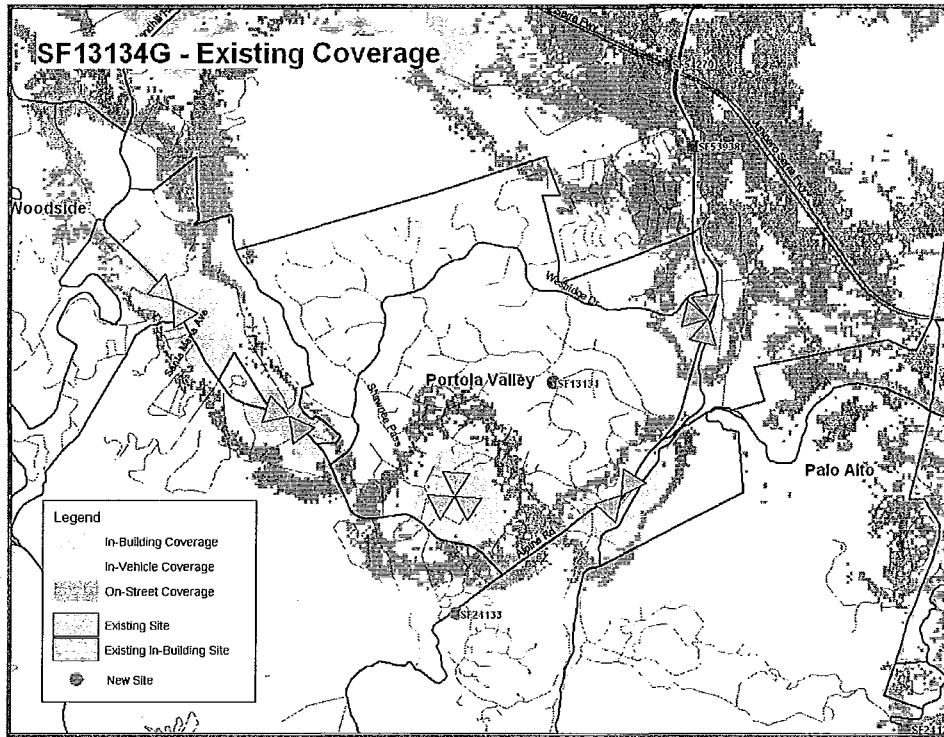


Figure 2 – Modeled Pre-Implementation Coverage

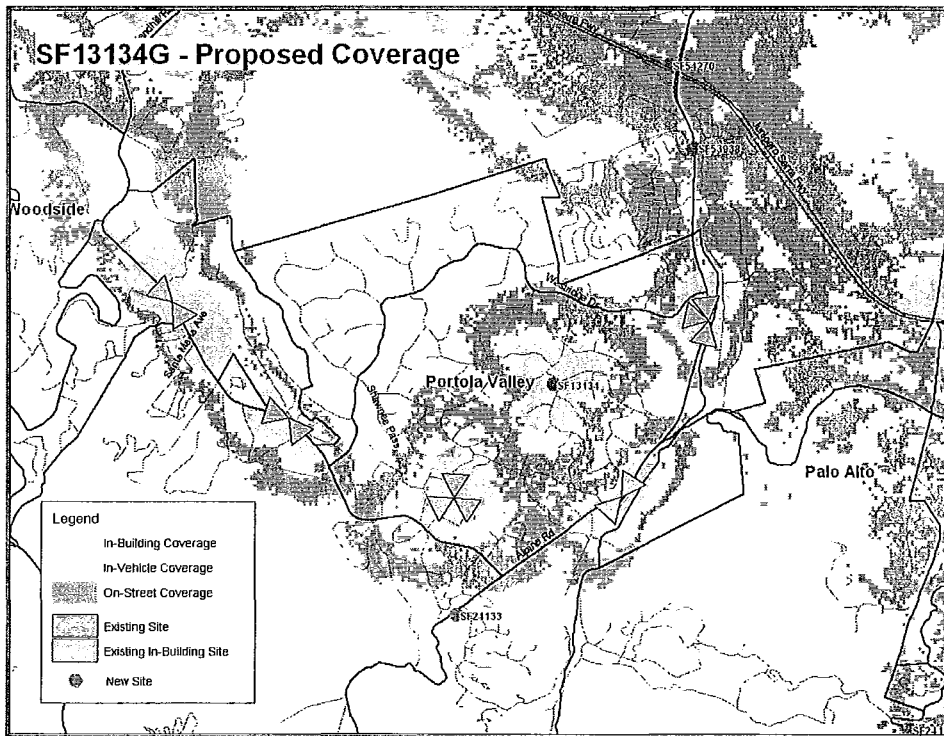


Figure 3 – Modeled Post-Implementation Coverage

To validate T-Mobile's modeling of existing coverage, RCC also requested and obtained drive test data from T-Mobile that shows the measurement of their existing system coverage in the area using test transceivers and a software tool on a laptop to collect actual signal strength readings. T-Mobile provided this supplemental data to RCC but requested that it be treated as confidential. RCC's analysis of the drive test results indicates that there is poor coverage or, at best, only sporadic coverage in a few spots within the target area. This substantially validates the coverage maps provided.

RCC was also requested by Spangle Associates to perform independent measurements of T-Mobile's existing signal levels in the area surrounding the proposed site. The test was conducted by RCC on June 16th between the hours of 12:00 pm and 3:00 pm using a Coyote signal strength analyzer with PCS receiver module manufacture by Berkeley-Varitronics. Measurements of on-street signal levels were made with margins added for in-vehicle and in-building attenuations based on accepted industry levels. The results are summarized in Figure 4, below.

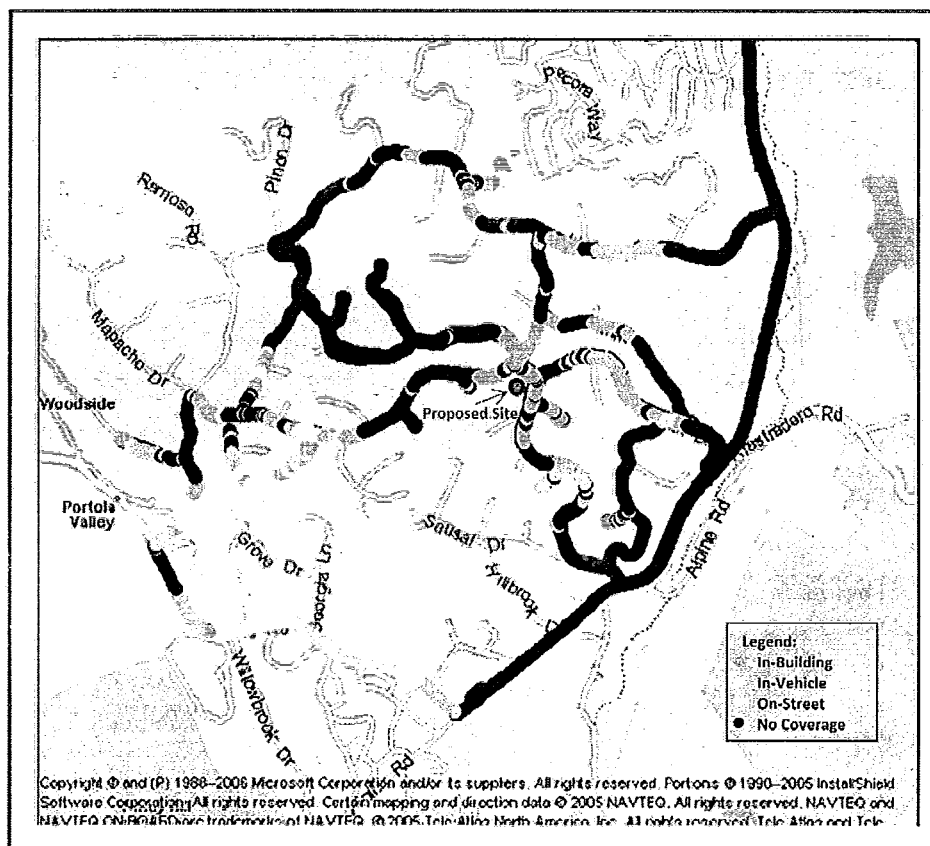


Figure 4 – RCC Drive Test Results

RCC's analysis of its independent measurements matches reasonably well against the confidential test results provided by T-Mobile. It must be noted that radio frequency signals have inherent spatial and temporal (both short term and seasonal) variability. Short term variations in signal strength occur also due to reflection by moving objects, such as vehicles in the area, while long-term variations can occur due to seasonal factors such as changes in vegetation. Drive test results may indicate sporadic signals in some small areas from adjacent sites, but the level of signals in the target area is not adequate to provide consistent, reliable service. This would include the ability for the cellular user to consistently receive calls when the phone is in idle mode and the ability to initiate and carry on a conversation without dropouts, while driving through the area or while moving about the residence.

Based on our independent field measurements, it is RCC's opinion that T-Mobile's assertion of a significant coverage gap in its network for the designated target area is valid.

Microcell Alternative Proposal

T-Mobile also has submitted a coverage analysis based on a design of eight (8) separate, pole-mounted microcells as a potential alternative. Upon RCC's request, T-Mobile provided additional details relating to the equipment to be deployed under this concept; however, T-Mobile requested that the supplemental information provided be treated as confidential. Based on the coverage prediction plots (Figure 5) and supplemental details provided (not included in report due to confidentiality requirement), RCC finds that the RF coverage of the microcell design is not as effective as with the single site design using a monopole or monopine antenna mounting structure. The microcell design presented leaves large gaps in in-building coverage and, in some cases, even lack of in-vehicle coverage in parts of the target area. This is primarily due to the relatively low power output of the micro base station and limitations in potential antenna heights.

During RCC's site visit to the area, it was observed that existing utility poles in the general area were substantially loaded with attachments and, in some cases, significantly obstructed by trees and other vegetation. The suitability of existing utility poles for accommodating an effective microcell design is questionable when considering the following factors:

- Adequate physical space on the pole to accommodate antennas, cables and equipment cabinet
- Ability of the pole to accommodate the additional load from a structural standpoint
- Adequate antenna clearance from adjacent trees and vegetation

- Ability to secure equipment against vandals while preserving access for maintainability

T-Mobile has confirmed that the microcell design submitted was not engineered to full detail, such as exact utility pole heights and is therefore not optimized for this topography. However, it is RCC's opinion that more detailed engineering and other design iterations relegated to the use of existing utility poles would likely yield similar result unless additional sites are constructed. Substantial signal margins are required to achieve consistent and reliable in-vehicle coverage and especially in-building coverage due to attenuation of the radio frequency signal which is exacerbated by the terrain and vegetation characteristics of the area. Based on the data provided by T-Mobile and on observations of the area during RCC's site visit, it is our opinion that additional poles may need to be constructed or existing poles modified or extended, if structurally feasible, in order to reach T-Mobile's coverage objectives with the low power microcell base stations.

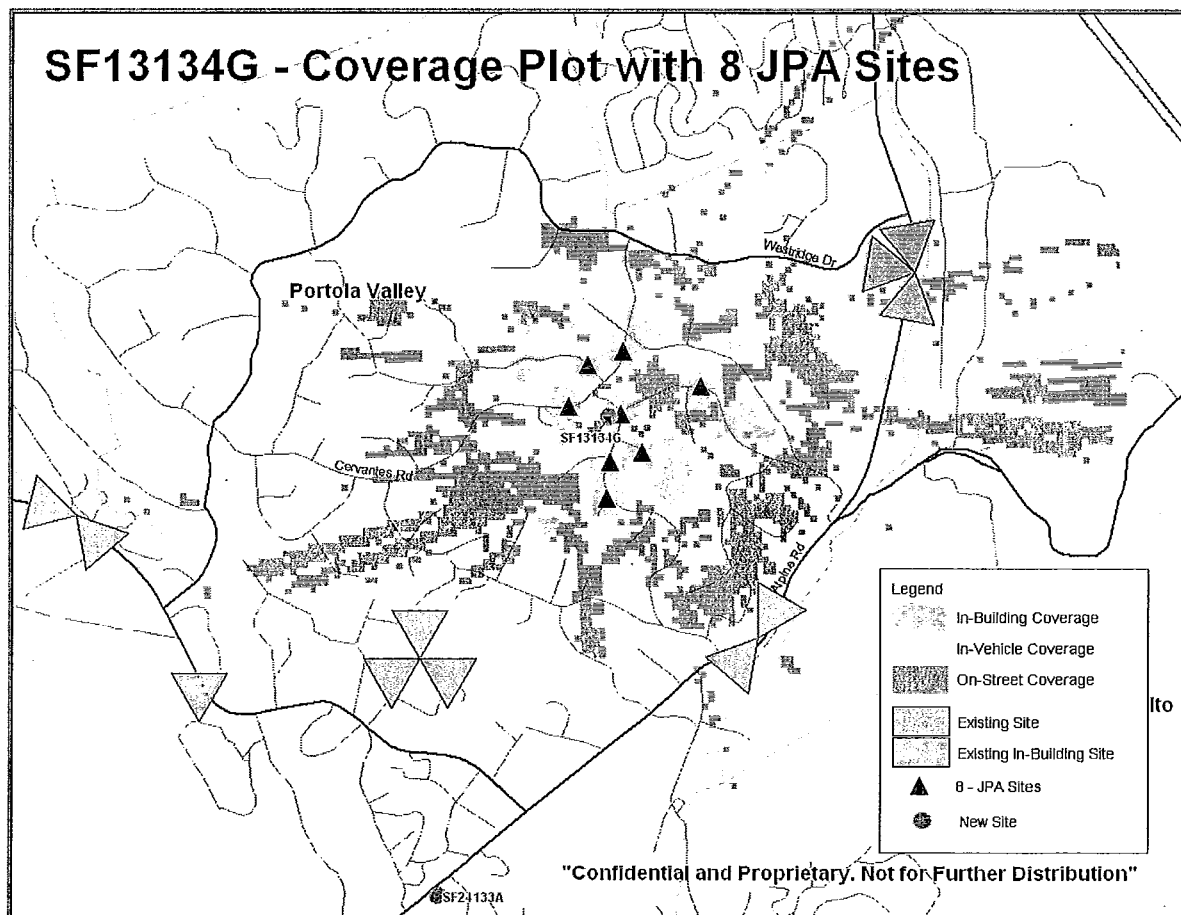


Figure 5 – T-Mobile RF Coverage Analysis, Micro Cell Design

Other Alternatives

1) Distributed Antenna Systems (DAS)

Distributed Antenna Systems (DAS) are traditionally deployed to provide high capacity service to discrete areas such as airports, stadiums, tunnels, underground garages, or large office or commercial buildings. This technology is generally not used for wide-area deployment in residential neighborhoods and is constrained by relatively low power output, similar to the micro-cell alternative. Moreover, DAS deployments would require installation of a fiber optic cable distribution system throughout the area which may likely entail installation of additional utility poles or underground conduits. Further studies, conceptual designs and analyses would have to be performed to determine the impact of such a deployment, including the suitability of existing utility poles to accommodate the additional load and space requirements, and the quantity and location of additional utility poles required to meet the design criteria. A DAS design would be subject to the same constraints as the microcell design discussed previously. RCC does not consider a DAS to be the appropriate technology for deployment of wireless services in this area.

2) Femtocells

Femtocells are customer-owned, indoor, cellular gateway devices (mini base stations) that connect to the service provider's infrastructure via the customer's broadband service. They operate in the same frequency spectrum as outdoor base stations but at much lower power levels, thus providing coverage primarily within the home only, similar to wireless phones, and typically support only 2 to 4 phones. Femtocells are not designed to improve on-street or in-vehicle coverage, only in-building coverage. They are therefore not a solution to fill the area-wide coverage gap. Moreover, Femtocells are dependent upon the customer provided power and broadband connection, and are therefore not deemed as reliable as a carrier provided base station installations, especially in a disaster scenario. Also, a carrier's network infrastructure must be specifically architected to accommodate this technology, and the T-Mobile network currently does not support the Femtocell technology.

Radio Frequency Emissions Safety

RCC has reviewed the report prepared by Hammett & Edison, Inc. and concurs with its conclusion that the proposed antenna installation will comply with the Federal Communications Commission's guidelines for radio frequency emissions exposure as detailed in their Office of Engineering &

Technology Bulletin No. 65, "Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields," August 1997 ("OET Bulletin 65"). OET Bulletin 65 states that the Maximum Permissible Exposure ("MPE") for the general public for the 1,500 to 100,000 MHz frequency range is 1 milli-Watt per square centimeter (mW/cm^2) for general population/uncontrolled exposure.

Three worst case scenarios for potential exposure were calculated by Hammett & Edison, Inc.: Scenario 1 at ground level exposure, Scenario 2 at the top of the adjacent water tank, and Scenario 3 at the second-floor elevation of any surrounding building. The installation at the proposed site would result in a maximum level of exposure for the general population as follows:

- Scenario 1 - less than $0.014 \text{ mW}/\text{cm}^2$, which is 1.4% of the maximum permissible exposure
- Scenario 2 - less than $0.13 \text{ mW}/\text{cm}^2$, which is 13% of the maximum permissible exposure
- Scenario 3 - less than $0.023 \text{ mW}/\text{cm}^2$, which is 2.3% of the maximum permissible exposure

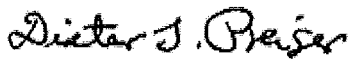
It is noted that the calculation by Hammett & Edison, Inc. are based on an effective antenna height of 43' above ground, whereas the monopole alternative would have antennas mounted at a centerline of 47.5' above ground. It is RCC's opinion that recalculations based on the 47.5' level would not materially affect the results of the RF emission analysis. Generally, the higher the antenna centerline, the lower the exposure at ground level.

Summary & Conclusion

RCC Consultants, Inc. is of the opinion that:

- T-Mobile's need for a wireless site is justified, based on stated design objectives for the intended area of coverage and the demonstrated coverage gap depicted on the RF coverage prediction maps as verified by T-Mobile's drive test data. Furthermore, RCC's independent field measurements validate T-Mobile's assertion of a significant coverage gap in its network.
- The proposed design is considered reasonable and consistent with industry best practices to fill coverage gaps in areas similar to the subject target area.
- The 8-site microcell coverage design presented by T-Mobile offers far inferior coverage to that offered by the single site adjacent to the water tank, and does not meet T-Mobile's stated coverage objectives, especially as it pertains to in-building coverage reliability. Moreover, a visual inspection of the existing utility poles in the area raises concerns over their suitability to supporting the microcell design.
- A fiber-fed distributed antenna system (DAS) for outdoor deployment has similar performance constraints due to low power output and antenna height limitations as the micro-cell design. In addition, a fiber optic cable distribution system would have to be installed throughout the neighborhood. Further studies, conceptual designs and analyses would have to be performed to determine the impact in terms of the suitability of existing utility poles to meet the space and loading requirements, and the number and locations of additional utility poles, underground vaults and conduit systems to meet the design criteria.
- The use of Femtocell technology to provide in-building coverage is currently not supported by the T-Mobile network and would not fill the on-street and in-vehicle coverage gaps.
- The proposed installation adjacent to the water tank will meet Federal Communications Commission guidelines pertaining to radio frequency emissions exposure to the general public.

Date: July 1, 2010



Dieter J. Preiser, PMP

Wireless Facility Engineering Review

T-Mobile Applications for Golden Oak Water Tank Site (SF13134G)
CUP X7D-170
Portola Valley, CA

Results of Drive Test Conducted on July 7th, 2010

Dieter J. Preiser, PMP

7/12/2010



RCC Consultants, Inc. - Western Regional Office
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**T-Mobile Applications for Golden Oak Water Tank Site (SF13134G)
Portola Valley, CA**

On June 16th, 2010, RCC Consultants, Inc. performed a drive test to measure existing signal levels provide by the T-Mobile network in the planned coverage area, and beyond, for the proposed wireless site adjacent to the Golden Oak Water Tank. The results of the test, contained in RCC's report dated July 1, 2010, clearly indicate that existing coverage in the proposed target area (an area of approximately 1/4 to 1/3 mile in radius from the proposed site) does not meet T-Mobile's design objective of providing reliable in-vehicle and in-building cellular coverage. While portions of the target area offer limited on-street coverage, much of the area does not have signal levels sufficient to access the T-Mobile network reliably, even at street level.

RCC's drive test of June 16th did not reflect coverage along portions of Alpine road served by two existing T-Mobile sites (SF03134A and SF03639A). T-Mobile indicated that these two sites should have been operational during the timeframe the test were conducted. Although, these two sites are not designed to provide service to the proposed target area; RCC decided it would be prudent to perform a second drive test which was subsequently conducted on July 7th, 2010.

The results, shown in Figure 1, below, validate the findings of the June 16th test in the proposed target area, while also indicating the coverage provided by the existing T-Mobile sites, SF03134A and SF03639A. These two sites are configured to primarily provide service along portions of Alpine Road, east and southeast of the proposed wireless site, and consequently do not impact the target area of the proposed wireless site as indicated in T-Mobile's coverage predictions. The results from the additional drive test do not modify the findings contained in the July 1, 2010 report.

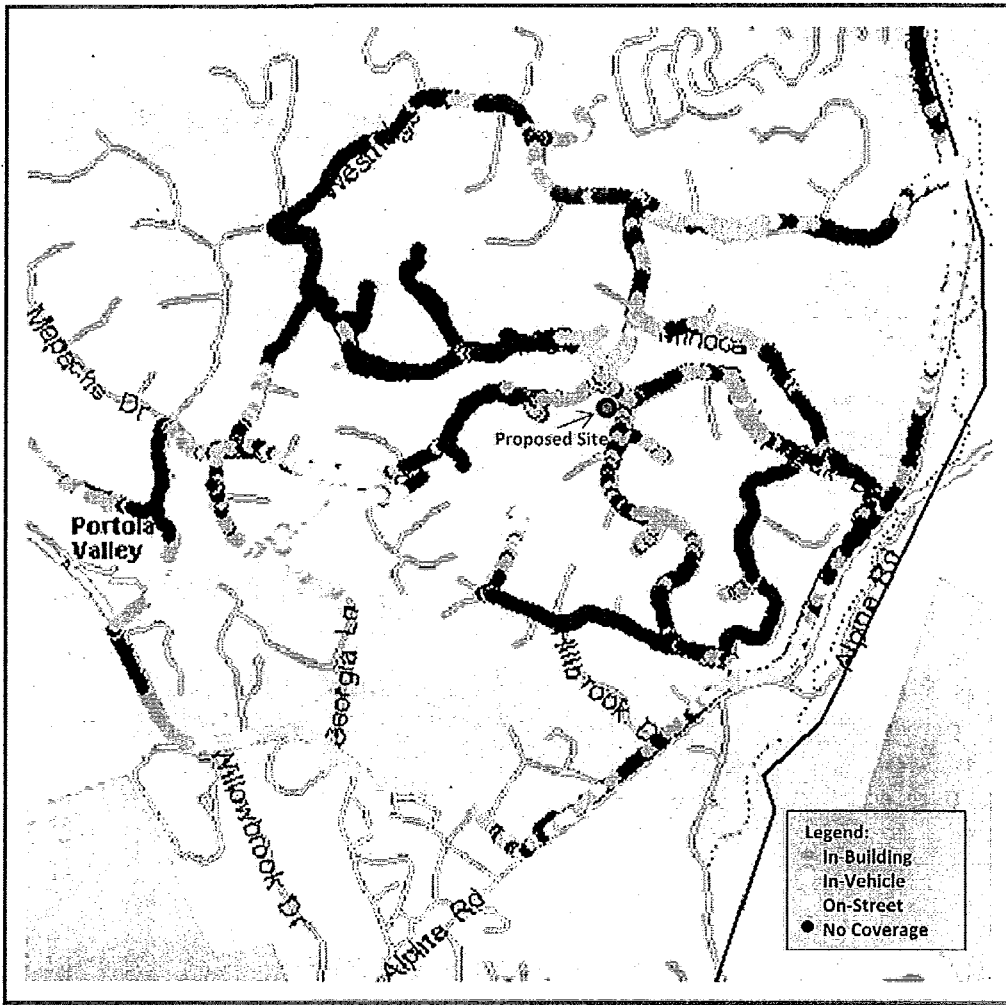


Figure 1 – RCC Drive Test Results (July 7, 2010)

Date: July 12, 2010

Dieter J. Preiser

Dieter J. Preiser, PMP

PLANNING COMMISSION MEETING, TOWN OF PORTOLA VALLEY, JULY 7, 2010, SCHOOLHOUSE, TOWN CENTER, 765 PORTOLA ROAD, PORTOLA VALLEY, CA 94028

Chair Gilbert called the Planning Commission regular meeting to order at 7:32 p.m. Ms. Lambert called the roll:

Present: Commissioners Arthur McIntosh, Alexandra Von Feldt and Leah Zaffaroni, Vice Chair Nate McKitterick and Chair Denise Gilbert

Absent: None

Staff Present: Leslie Lambert, Planning Manager
Tom Vlastic, Town Planner
Dan Siegel, Assistant Town Attorney
John Richards, Town Council Liaison

REGULAR AGENDA

(1) Public Hearing: Review of Proposed Conditional Use Permit (CUP) X7D-170, Wireless Communication Antenna Facility, Intersection of Golden Oak Drive and Peak Lane, T-Mobile West Corporation

Chair Gilbert explained that staff would first give its report, including comments from a representative of the Town Attorney's office and an outside consultant, followed by applicant comments, then a question period with Commissioners and the public hearing.

Mr. Vlastic referenced the July 1, 2010 staff report setting forth background and a number of attachments, as well as April 7, 2010 staff report packet. He said three alternatives have been considered by the Planning Commission and the ASCC for a wireless T-Mobile facility at the California Water Service Company water tank site at the intersection of Golden Oak Drive and Peak Lane. The first application included a 50-foot monopine with a 45-foot antenna within a faux-tree structure that included a 5-foot addition of branches above the 45-foot pole. The next proposal was for a 50-foot slimline monopole. The third was a 60-foot monopine to accommodate collocation and conformance with policy provisions of Portola Valley's wireless guidelines. Any options supported by a Planning Commission action would be subject to further ASCC review, Mr. Vlastic said.

At its April 7 meeting, Mr. Vlastic continued, the Planning Commission determined that a peer review of data provided by T-Mobile would be appropriate and requested additional detailed information from the Town Attorney regarding the scope of local authority, preemption by the FCC, burdens that fall on the local jurisdiction and actions in other jurisdictions. This is related to the FCC's position that wireless competition should be encouraged, thus radio frequency (RF) emissions are preempted by federal standards and the Planning Commission is more constrained in its review of the application than would be the case in most circumstances. Working within that framework and results of the peer review, Mr. Vlastic indicated that there are a number of options for the Planning Commission set forth at the end of the July 1, 2010 staff report.

Vlastic added that the peer review, conducted by RCC Consultants on the basis of its expertise and availability to do the work, used data provided by T-Mobile as well as independent drive tests. It determined that a significant coverage gap does exist, and after reviewing alternatives for micro-cells and a distributed antenna system (DAS) technology concluded that neither alternative was appropriate to fill the identified gap.

Vlastic advised that a number of suggestions for alternative sites have been offered, none of which seems appropriate due to the undulating topography and the need to be closer in. It has been suggested that the Town develop regulations to set a fairly significant distance between a property line and a pole, which is problematic due to conditions in the Town, and the Town has been advised that it cannot create zoning regulations that in effect prohibit options for wireless service. Towns with flat, commercial and light industrial areas have more opportunities for alternative sites. The high points in Portola Valley will be water tank sites or residential properties, particularly in the northern part of the Town.

Mr. Vlastic reported that the Town received a number of communications on T-Mobile's application, some of which spoke to legal issues and most of which urged denial of the application. Most of the conditions neighbors requested if the CUP approval was unavoidable are included in the staff's recommendations. Mr. Vlastic noted that the three closest neighbors suggested lowering the monopole's height from 60 to 45 feet. He explained that

ASCC had recommended the taller facility to accommodate possible future collocation of other carriers. T-Mobile's original proposal was for a 45-foot pole within a 50-foot monopine. Mr. Vlasic said that if the Planning Commission decided to go in this direction, the pole diameter probably could be reduced from approximately 36 inches to approximately 24 inches, for even less visual impact. Although a 10-year permit period appears mandated by State law, recommended Conditions of Approval include two-year reviews to evaluate ongoing conformance and potential technological developments that would have less aesthetic impact. Other conditions include substantial landscaping development and maintenance for the entire site and bonds or sureties to provide for removal of the equipment if it falls into disrepair. Mr. Vlasic said that Condition f. could be modified to incorporate a suggestion regarding independent confirmation of noise and RF emissions.

Mr. Siegel alluded to Town Attorney Sandy Sloan's letter dated June 11, 2010, which explained that in order to provide cellular service everywhere, expansive federal laws give individual jurisdictions no input regarding effects of RF emissions that fall within federal limits and a modicum of control over aesthetics. These preemptions require determination of whether a significant gap in coverage exists, which Mr. Siegel described as more a matter of science than urban planning. He quoted a summary from Ms. Sloan's letter: "If the telecommunications company has demonstrated that there is a significant gap in coverage and that the proposal is the 'least intrusive,' the agency must be able to show that another alternative is available and feasible to cover the gap and is 'less intrusive.'"

Mr. Preiser described his firm and the peer review conducted for the Town, which included a review of all application materials against industry standard practices, including design drawings, drive data, site selection criteria, alternative sites and alternative technologies. Because the application materials provided by T-Mobile left some questions unanswered, RCC asked T-Mobile for additional data, including parameters for coverage predictions, parameters for micro-cell equipment, drive testing for existing coverage, T-Mobile's designated parameters, including margins for in-vehicle and in-building coverage, and frequency information. T-Mobile provided all of the information requested, although some of it remains confidential. Mr. Preiser indicated that about 65% of cell phone calls originate within buildings, and a high volume of 9-1-1 calls are placed over cell phones. RCC also conducted independent drive tests on June 16, 2010, using a test receiver manufactured by Berkeley-Veritronics. RCC's analysis of its data confirmed the gap in coverage in the target area, consistent with T-Mobile's analysis.

Mr. Preiser noted that T-Mobile also provided additional conceptual design information about the DAS alternative that would use a series of utility poles. Although this approach would improve coverage, it would not meet the design target of improved in-building coverage. Further, Mr. Preiser explained that the existing poles probably are not tall enough, engulfed by vegetation, have questionable structural integrity, appear to be substantially loaded already, and have accessibility issues for maintenance. RCC also reviewed a femtocell alternative. Femtocells are in-home devices, mini-base stations that use broadband connections to provide a signal into the cellular network. They are subject to loss of service when broadband connections are lost. In any event, T-Mobile does not have the network architecture to support these devices.

In summary, Mr. Preiser stated that the need for this site is demonstrated based on T-Mobile's stated design objectives, the company's drive data and RCC's drive data. He said the design proposed is reasonable, consistent with industry standards and meets FCC guidelines related to RF emissions exposure.

T-Mobile Consultant Mr. Greg Guerrazzi indicated that Paul Albritton, T-Mobile's outside counsel, Ali Hagenberg, a RF engineer who's been working with the design and the requirements of network, and Bill Hammett, who prepared the RF safety study and acoustic analysis, were present to address specific technical questions in their areas of expertise. He confirmed that T-Mobile considers its design the least intrusive means to fill a significant coverage gap and worked with staff extensively on the design alternatives. He presented photo simulations of the three design alternatives from four perspectives. T-Mobile's original proposal was for a 50-foot monopine at the highest location on the property, where it would not affect neighboring trees. A second design, developed at the he ASCC's suggestion, used a 50-foot slimline monopole tucked into trees at an elevation 5 to 8 feet lower. The ASCC also suggested a multi-carrier option, which necessitated increasing the height to 60 feet. He emphasized that T-Mobile had not sought a height extension, but was responding to ASCC's direction.

Considering that line-of-sight drives the technology, Mr. Guerrazzi said that the proposed antennae must have a clear view over the covered objectives, and at an elevation of approximately 800 feet, the site selected is one of the highest in Portola Valley. Site-wise, he said, there are no other options. To locate in a commercial area would require a tall, perhaps 200-foot pole to serve the coverage objective.

Mr. Albritton credited Ms. Sloan and Mr. Siegel for their good reviews of the Federal law, and pointed out that studies of RF emissions show that they are 50 to 100 times below the Federal standard. As for the aesthetic effects on property values, he said that the first issue is to substantiate the negative aesthetic impact. When he stated that T-Mobile agrees with the staff report that there are no substantial aesthetic impacts. He said that 50- to 60-foot trees will be adjacent to the faux-tree. He reiterated topographical and technological rationale for the site selected, and also indicated that the U.S. Court of Appeals for the Second Circuit, in a case involving a Clarkston, NY, specification of DAS technology for wireless service, ruled that local communities cannot dictate the technology a carrier uses to provide service.

Responding to Chair Gilbert's invitation for questions from Commissioners, Vice Chair McKitterick asked Mr. Siegel for clarification as to whether California court cases have determined a significant gap in coverage might be as little as two blocks. Mr. Siegel reported that no defined circumstances or bright-line tests have emerged, but a number of cases have indicated the area can be quite small. Turning to Mr. Albritton, Vice Chair McKitterick asked what largest gap a court has determined is not significant. Mr. Albritton said that he could answer Vice Chair McKitterick's first question; the leading case in the Ninth Circuit, which includes California, involved Metro PCS vs. San Francisco and determined that it was a two-block area based on in-building signal strength. Vice Chair McKitterick repeated his question. Mr. Albritton referred to the decision in Sprint vs. Palos Verdes Estates in terms of a community's ability to regulate aesthetics in the right-of-way. Sprint was not able to establish that there was a significant gap in coverage, but it was based on lack of evidence rather than the size of the area in question. The issue is the balance of evidence, Mr. Albritton said. Scan test data and coverage maps are examples of such evidence. Richmond has adopted an ordinance in which a significant gap has been identified as an area larger than one acre. Vice Chair McKitterick asked whether any Ninth Circuit cases show other than in-building coverage as the standard; Mr. Albritton said that is aware of none. Vice Chair McKitterick asked whether nationally any cases have addressed the issue of population rather than area in measuring significant gaps. Mr. Albritton said no, because the standard is substantial evidence. The significant gap is identified by a series of facts. Because of its population density and the topography, two blocks in San Francisco was determined to represent a significant gap. Mr. Albritton acknowledged that population density is one factor considered; it is not a bright line but a combination of facts.

In response to Vice Chair McKitterick, Mr. Preiser said that RCC Consultants does not work for cellular carriers. Its clients are strictly municipalities, counties, states and federal entities, primarily designing public safety radio systems. Asked what percentage of the time RCC's reviews conclude that a wireless siting application is unjustified, Mr. Preiser—noting that peer reviews are not a major part of its business—said that in his year and a half with RCC he has performed three peer reviews, one for AT&T, one for Clearwire and another for T-Mobile. In all cases, the review confirmed coverage gaps and the permits were eventually granted.

In response to Vice Chair McKitterick's question about the technical feasibility of undergrounding at the site, Mr. Vlasic said that it is problematic, given root systems, rocky environment, ventilation requirements and security issues. Chair Gilbert added that as she understands it, some above-ground ventilation equipment would be necessary in any case. Mr. Vlasic confirmed her understanding, also indicating that a fence would be needed for security. He said that staff and ASCC both recommended substantial landscaping instead of undergrounding, whether for a single carrier or collocation. In terms of noise, Mr. Vlasic confirmed that one of the CUP conditions requires annual reporting on conformance with Portola Valley's noise ordinance, and that data provided by T-Mobile demonstrates that it would function within the noise limits. In response to Commissioner McIntosh, Mr. Vlasic explained that although he understands there will be no generator at the site, equipment cabinetry emits some noise from backup power, cooling equipment, etc.

Commissioner Von Feldt said that she finds it difficult to reconcile RCC Consultants' coverage map with T-Mobile's, including two strong areas of signals on T-Mobile's map that do not appear on RCC's. Also, T-Mobile shows no coverage at the proposed tower site, whereas RCC shows significant in-vehicle coverage there. Mr. Preiser replied that T-Mobile's maps are created from a computer-based predictive model, not measured coverage. He said that T-Mobile also submitted measurement data that RCC reviewed and found substantially the same as RCC's drive test data. The actual measurements go beyond the T-Mobile's predictive model, but the T-Mobile measurements are confidential. He said that both T-Mobile and RCC data clearly indicate that while there is on-street coverage, in-vehicle coverage is inconsistent.

In response to Chair Gilbert, Mr. Preiser confirmed that RCC's drive test did not include in-building coverage. Noting that there is on-street coverage in the area of the proposed site, she asked the source of that signal. Mr. Preiser said that he does not know conclusively, but is not unusual for a hilltop to pick up signals from

surrounding sites. Mr. Guerrazzi said different sites—sometimes five miles away, sometimes from the Priory—could produce a weak signal, and that the source of a signal can vary from moment to moment. He also said that the signal is so weak that although you might be able to initiate a call, you probably cannot hold it and will drop it if you move just a few feet. That is the kind of coverage that he said is currently available at the high points Chair Gilbert indicated.

Commissioner Von Feldt asked if in deference to neighbors' requests for the lowest tower possible the Town agreed to a single-carrier option, what would happen if another carrier came in later with its own application. Mr. Vlastic said that collocation is possible with a 50-foot pole, but it would depend on the needs of the other carrier(s), so multiple poles at the site might be necessary. In any case, based on staff and ASCC review, a significant landscaping effort that deals with view lines around the whole property, including filling gaps around the water tank as well as mitigating the antenna, would be among the conditions. He said that both T-Mobile and Cal Water would be parties to the agreement to fulfill the landscaping conditions and provide bonding.

Commissioner McIntosh asked whether a 60-foot pole would be sufficient to serve three carriers. Mr. Preiser said that because it depends on a particular carrier's objectives, it is difficult to give a definitive answer. However, he pointed out that many 60-foot sites do accommodate three carriers. Mr. Guerrazzi, who said that T-Mobile's preference would be to go above the tree line, has counted more than 50 trees at the site. Near-field trees block signals, and one 80-foot tree stands within 20 feet of the proposed tower location. A carrier collocated at the lower level on the tower would have such limited coverage that it might not be worthwhile to locate there.

That being said, Mr. Albritton added, different carrier-specific frequencies carry different distances; a 700 MHz LTE installation lower on the pole would not cover the same distance as T-Mobile's 1900-MHz equipment at the top. Commissioner McIntosh said it's a critical question, because we're talking about making decisions on the assumption that the 60-foot pole would accommodate three carriers. Chair Gilbert asked Mr. Siegel to comment. Mr. Siegel said that under current law, the Town does not have the authority to regulate the number of poles, nor can it compel or prevent leasing decisions on the part of Cal Water, as the private property owner. When Commissioner McIntosh pointed out that as part of this process, Condition g. covers those circumstances, Mr. Vlastic explained that it was worth pursuing so that all parties are on record as to the Town policy in not encouraging more than three carriers collocating on one pole. Mr. Siegel said that he believes the language could be made into an enforceable agreement.

Chair Gilbert asked whether the tower height could be lower if the design anticipates two carriers instead of three. Mr. Guerrazzi said that it would depend on the particular carrier, its technology and equipment, but that T-Mobile could work with a 50-foot tower. Chair Gilbert summarized the options as a 50-foot tower with one or two carriers or a 60-foot tower with two or three carriers. Commissioner Zaffaroni remained concerned that we'd be right back in the same position if another provider were to approach Cal Water for a second tower on the site and Cal Water isn't bound to turn down that proposal.

Mr. Vlastic indicated that it is difficult to get information from other carriers as to what their needs might be. The limit proposed is based on the number of carriers that seem to be interested in coverage in Town, but even that is subject to change. It puts the Town in a difficult position, compounded by the FCC regulations. Despite all efforts to minimize impacts at the proposed site, later on pressure may come up to build another antenna at another water tank site.

Exploring the issue of the 10-year term of the CUP, Commissioner Zaffaroni asked whether it is a function of Federal preemption or State law and whether the Town has any flexibility to specify a five-year period with respect to wireless communication facilities. Mr. Siegel indicated that the Town's land use policies would be the first to be preempted, and the industry standard appears to be 10 years. From the Federal standpoint, he added, the time period has to be significant enough to provide the carrier with an economic return on investment, but again, there are no bright-line rules.

According to Mr. Vlastic, based on what Assistant Town Attorney Leigh Prince provided previously, the State appears to mandate a 10-year minimum. Mr. Albritton cited California Government Code Section 65964, amended in 2006 and effective in 2007. He said that in interpreting the law, jurisdictions are generally seeking reviews within the 10-year timeframe to confirm compliance with CUP provisions, conditions of approval, RF emission standards, etc. He said that as he understands the language of the code, anything less than 10 years is considered unreasonable. Commissioner Zaffaroni said she would like to retain the language in the Town's existing policy if the code provides any flexibility to make that possible.

Mr. Vlasic indicated that from earlier interactions with the Town Attorney's office, a memo late last year had said, "...Pursuant to Section 65964 of the State Government Code, the Town is not allowed to limit permits to less than 10 years unless there are substantial public safety or land use reasons. Based on the comments from the Town Attorney, we understand the Public Safety and land use issues to be related to aesthetics or risk of safety of the antenna due to, for example, unstable ground conditions." Mr. Vlasic said that language would suggest that there may be some flexibility. Mr. Albritton found and read the applicable section. "...a city or county shall not...(b) Unreasonably limit the duration of any permit for a wireless telecommunications facility. Limits of less than 10 years are presumed to be unreasonable absent public safety reasons or substantial land use reasons. However, cities and counties may establish a build-out period for a site."

In response to a follow-up question from Commissioner McIntosh, Mr. Albritton explained that the Town has the ability to 1) proceed with enforcement procedures at any time, as with any other condition of approval associated with any land use permit, and 2) initiate revocation proceedings if the problem is not corrected. Further, either the Town or any resident could file nuisance actions.

Commissioner Zaffaroni suggested that it would be a good idea for the conditions to specify that landscaping requirements with respect to Cal Water property will be both within and outside the T-Mobile lease area. She also suggested language to address maintenance of the monopine itself and removal within 90 days if the equipment is no longer used. Commissioner Zaffaroni also asked Mr. Preiser to verify that no other viable site exists to fill the coverage gap. He replied that while a thorough analysis of other sites was beyond the scope of his work, having driven the area twice he couldn't see another single site providing equivalent coverage.

In response to Chair Gilbert, Mr. Siegel said that he is unaware of any prohibition against cellular towers on residential properties at either State or Federal level, and at Town level, it is a matter of policy rather than code. As to whether the CUP would be held by T-Mobile rather than Cal Water or a combination of the two, Mr. Vlasic said that it is appropriate for T-Mobile to be the permit holder because the permit is for the antenna facility. However, he added that the conditions are worded as they are because it was considered important for the property owner also to be a party to the permit.

Chair Gilbert asked how tall the cellular tower at the Priory would have to be, at least theoretically, to eliminate the coverage gap. M. Guerrazzi said he did not have data available, but it is based largely on ground elevation and shadowing. There are capacity issues as well, he added. To overcome shadowing, the antennae need to be taller than the terrain over which the line-of-sight must travel, so Mr. Guerrazzi supposed it to be several hundred additional feet. Mr. Preiser said that he and Mr. Vlasic had discussed this possible option and determined that, as he recalled, it was 190 feet, but even so a substantial shadow would remain.

Referencing a Palo Alto coverage map, Chair Gilbert asked what the markings represented. Mr. Guerrazzi said they represent sites that may use micro-cells, but most are macro-cells, located on towers similar to the one proposed for Portola Valley or on rooftops, multi-carrier facilities, structures on commercial properties, faux-trees and some utility poles. Chair Gilbert asked if there had been discussions about the specific location of a ground enclosure large enough to accommodate three carriers, and Mr. Vlasic said no, but the landscaping should anticipate construction of such an enclosure, so that if the situation arises, no further landscaping modifications would be needed. At this point, he said, no fencing should be necessary beyond what is needed for this request. T-Mobile would come back with planning details for the antenna facility, subject to ASCC review.

Referencing Condition g. in the proposed Conditions of Approval, Vice Chair Nate McKitterick asked whether PG&E might decide to lease one of its utility poles to a wireless carrier. Mr. Vlasic explained that it would require a use permit. He also reported that Cal Water did not have a negative reaction to the proposed condition when it was presented. Asked if he considers Condition g. enforceable, Mr. Albritton said that a jurisdiction cannot unreasonably discriminate between carriers, but if there is a reason to discriminate, the jurisdiction theoretically has the right to do so.

In response to Commissioner McIntosh, Mr. Guerrazzi said the distance between providers collocated on a pole would vary depending on the provider and its frequency, but a five-foot gap tip-to-tip would be typical.

Before opening the Public Hearing, Chair Gilbert laid out ground rules: 1) one presentation per speaker; 2) two to three minutes maximum; 3) minimize side conversations; 4) limit discussion to areas that would help the Commission reach a decision (e.g., the Town has no say regarding the issue of health effects of RF emissions).

The three most important issues on which the Commission wants input are aesthetics, coverage gap and alternative sites (whether this is the least intrusive alternative for the particular coverage gap).

Mary Jane Keliy, 10 Peak Lane, said that a lot of people who may have wanted to comment already left the meeting. A lot of reference to the trees, she said, implies that the presence of the trees addresses aesthetic issues. An arborist has indicated that the tallest trees are old and probably will fall down soon. Thus, she wants to know what to do about the pole that might be there for 10 years with no tall trees around.

Bob Nebrig, 20 Grenada Court, lives about two houses away from the proposed tower. He said he does not object to the tower as long as he doesn't see, hear or smell it. He does not believe there are 25 or 30 buildings that signals will reach from the proposed antenna, and that a lot of the people in the buildings don't want the coverage. The coverage map includes a slice of Portola Valley with a 25-house gap, so every 25 houses, a carrier could come in and the Town would have no authority to say they could not erect a pole. He said that the Town's only real authority seems to be in aesthetics. On the site visit, T-Mobile said they would use a pine tree, limited in height, and that Mr. Nebrig would not see, hear or smell it. Now he's learning that the project is growing into something that might be a major pole that he might see. He said he cannot imagine the economics, if it will serve only 25 houses, many of which probably are not T-Mobile customers. He asked how all of this would be paid for and how much the typical lease rate would be if another carrier wanted to collocate on the same pole to serve the same 25 households. If the Town's only leverage is in aesthetics, he said he wanted to make sure that T-Mobile really toes the line and the facility is unobtrusive to the neighbors and the community to set the standard for other carriers in the future.

Marian Suliteanu, 160 Fawn Lane, wondered how many customers T-Mobile has in the area at this point, and if T-Mobile isn't serving customers now, does it have the right to come in? There's a difference between whether the company is serving existing customers or wanting to attract customers. Chair Gilbert said the Town cannot make a determination on the basis of whether there is a market, only if there is a coverage gap.

Bill Kelly, 10 Peak Lane, said that he thinks collocation is confusing the issues. Given that the Town has been forced into a position it does not want to be in, the principle should be to do the minimum necessary in order to comply with Federal law. Putting in a 60-foot pole to possibly accommodate other carriers in the future strikes him as the wrong way to think about the problem. He would prefer focusing on a single carrier and keeping the tower as low as possible. As practical matter, he said, AT&T and Verizon don't worry much about what T-Mobile does and Portola Valley is not so appealing because it is so thinly populated.

Bill Kunz, 235 Golden Oak Drive, said he is among those who noticed the discrepancy in coverage on Alpine Road versus what was mapped. He went on T-Mobile's website, where you can enter the ZIP Code 94028 and see the great coverage. The area where there is supposedly a coverage gap, is marked in gray to indicate service provided by a partner. Mr. Kunz also asked if eight poles (indicated in connection with the micro-cell alternative) were insufficient to meet T-Mobile's design objectives, how many would it take? Because that would be a less intrusive solution.

Carol Sontag, 280 Golden Oak Drive, thanked the Planning Commission for the time and energy being put into handling the T-Mobile application and other neighbors for their input. Marty Tenenbaum, a neighbor who could not come to the meeting, asked her to read a message. Mr. Tenenbaum met with Ramesh Rao, who is Director of the UC San Diego Division of the California Institute for Telecommunications and Information Technology, a Professor of Electrical and Computer Engineering at the Jacobs School of Engineering and a national authority on mesh network solutions for communication networks. Upon reviewing the T-Mobile proposal, he said, "I want you to listen to me. 'Least intrusive' does not mean least expensive." He said there are far better ways of doing this. Single towers are becoming less necessary as technology is improving. Smaller distributor antennas are much more efficient than large cell towers, comparable to a drip irrigation system in that they do the job without wasting water. Dr. Rao indicated that he consults with towns and is agreeable to work with Portola Valley and T-Mobile to come up with a mutually beneficial mesh network solution. He said that he disagrees with RCC Consultants' findings. Ms. Sontag said that there are also residents willing to work with T-Mobile, the Town and Dr. Rao in identifying an alternative to the conventional cell tower so that cell carriers could be satisfied. She said that Portola Valley could be a wonderful example in California of a city that had the intelligence, the resources and the motivation to make this work for everyone.

Lynn Poland, 366 Wayside Road, said she wants to know about the materials that would be used in the monopine, and if those materials could be considered in any environmental impacts.

John Vedder, 285 Golden Oak Drive, reiterated concerns expressed in prior ASCC and Planning Commission meetings. The proposed site for the monopole is approximately 89 feet from the front of the Vedder home, and 78.5 feet from the property line along Peak Lane. The proposed site for the monopine is approximately 100 feet from the property line, even if the site is moved to the edge of the excavation for the water tank, as requested by the Planning Commission. Mr. Vedder said that Cal Water failed in its obligation to screen the tank by planting and landscaping; trees planted died due to lack of care or were cut down and not replaced. The Town should require maintenance and frequent monitoring of future plantings. Sound emission from the proposed facility could be intrusive, but sound levels won't be checked out until after construction. Artificial lighting and noise from maintenance vehicles also would have a negative impact on the neighborhood. Three homes have front entries on Peak Lane, so the street should be designated as a primary, not secondary, thoroughfare, with setbacks of more than 30 feet for any new structures. Town policy and procedures adopted in March 2009 included the statement, "Committees are encouraged to develop and communicate to the Town Council recommendations under their purview that will enhance the quality of life for residents." The proposed T-Mobile facility not only would be detrimental to the quality of life for nearby residents but also substantially devalue their property. Mr. Vedder said that it is disheartening to think that commercial enterprises may supersede aesthetic values in our Town.

Gary Fanton, 265 Golden Oak Drive, focused on three issues. He said that Mr. Vlasic and Mr. Guerrazzi are inaccurate in saying the visual impact, the aesthetic impact, is minimal. He also said that the ASCC came out twice and unanimously agreed that this is not a good site, after which the Planning Commission reflected that same thinking in the first meeting following those site visits. Mr. Fanton claimed this goes beyond the scintilla of evidence criteria. He said looking at the size of the crowd also is evidence of the impact. Like Mr. Vedder, he said that Cal Water has demonstrated poor stewardship; there is nothing but a fire hazard and dead trees on the Fanton property line. He is concerned that those conditions will reflect of Cal Water's behavior going forward, and wonders whether Portola Valley wants to police it. For those reasons, he said opposition on aesthetic grounds is justified and cannot be addressed by T-Mobile. In terms of alternatives, he said that he contacted NextG Networks, a DAS provider based in San Jose. He asked whether RCC Consultants brought in any DAS representatives to present an alternative solution; he has heard nothing to suggest that the consultant went out and independently looked for any alternatives. Mr. Fanton also pointed out RCC's focus on high-powered, intensive, industrial telecommunications as opposed to residential service, and the fact that Mr. Preiser has only 18 months' experience. He said that he could not be assured, either, that the proposed tower would not leave a shadow and a coverage gap on Granada Court or another valley. In summary, he said, we have a proven aesthetic issue, a history of poor stewardship and the possibility of alternatives that have not been explored.

Jeanne Kunz, 235 Golden Oak Drive, said that she has been looking at codes and standards in other communities, including Carmel-by-the-Sea, Aptos and Woodside. Although she said she respects what the Federal government wants to do, a small community is not like such places such as San Francisco and New York City. Because she believes there is strength in working together and sharing resources, she said she hopes that Portola Valley can reach out to other like communities—Ben Lomond, Saratoga, etc.—that must be facing similar issues.

Elena Bergeson, daughter of John and Diane Vedder, said that in doing some research she found interesting suggestions by municipal management consultant David Angerer for protecting the public interest in siting cell phone towers. He said that modern cities should have strategies in place before considering requests to erect a tower. Municipal ordinance can include requiring an Environmental Impact Report and protecting community aesthetics. A town is supposed to protect the health, safety and welfare of its citizens. Does Portola Valley have a strategy? Is there a reasonable review process in place or does the Town make decisions as it goes? Does the Town have a copy of the American National Standards Institute and the Telecommunications Industry Association standards? Is the Town aware of engineering formulas for sites located close to major earthquake fault lines? What are acceptable noise levels in the Town's land use policy? If the Town does not have a comprehensive ordinance and bond requirements to cover costs of problems, why is it considering going forward with this site? Ms. Bergeson also asked why the Town has not considered the feasibility of a tower on Town land. A 200-foot tower near the Little Schoolhouse would provide income to the Town and accommodate several carriers. She said that none of her parents' concerns have been answered by the Town Council.

Following up on Ms. Bergeson's comments, Cole Erskine, 240 Cervantes Road, said that other towns have had strategies and ordinances prohibiting cell towers within 500 feet of residences and 2,000 feet of schools. He said that the zoning board in Northborough, Massachusetts, resisted giving variances to T-Mobile, which recently withdrew its application to install a cell tower rather than fight the town in Federal court. He said that Portola

Valley needs to update setbacks to specifically prohibit cell towers from within at least hundreds of feet of property lines, the topography of the area notwithstanding.

Diane Vedder, 287 Golden Oak Drive, spoke about unanswered questions. 1) Why does the Town use side street setbacks on Peak Lane for Cal Water? 2) She requested a full EIR be made by the Town, Cal Water and T-Mobile before the project could proceed. She was asked to do this by the two neighboring Audubon societies, and has been unable to give them an answer. There is a serious question concerning birds being confused in their flight patterns by emissions such as those planned by T-Mobile. 3) Her husband's request for actual street setbacks on Peak Lane has not been addressed. Where does the Town take care of dead brush? There is currently a dead limb on Peak Lane from a pine tree that has not been taken care of. How much of Peak Lane does the Town monitor? 4) Why does noise from existing water company equipment still disturb some neighbors at night? 5) How did Cal Water get permission to rent to any other company at all? Were other neighbors informed that Cal Water could use its land for anything other than water services? 6) She requested a six-month moratorium for the Town to study this whole question. 7) Would the cellular tower withstand an earthquake up to 8.8 magnitude?

Ms. Vedder said she attended the meeting with Barbara Boxer's representative at the Town Center. The Federal government is looking into problems created by the Telecommunications Act, in that many small towns are finding their goals and statutes compromised by installations similar to the one planned for Portola Valley. Changes in the law should come soon. Ms. Vedder wants any structure, if built, to be destroyed and removed within 60 days of such changes. Because of new technologies and increased public awareness, she wants no use permit given for more than five years. She is also asking that any structure erected be fireproofed to the highest degree; that the Bill Barth letter about eminent domain in the PV Forum be studied, and that independent engineers approve all plans for any structure on the water company property. She said that she does not consider the RCC Consultants' peer review independent because RCC has never sided with a town in any effort to uphold town goals.

Ms. Vedder said that she wants all noise assessments performed before construction begins, and no generator noise, even during the day, on weekends. She visited the Priory site, and said there was a lot of noise. She also wants a clearly visible sign in the equipment area, such as that at Arastradero Estates, cautioning that RF emissions may exceed standards. She wants all equipment placed in areas well over 100 feet from any residence, preferably underground. As for landscaping, she wonders how large new plantings would have to be to hide an eight-foot fence around an enclosure 26 feet in diameter, and how there can be enough space for decent plantings and all the equipment in such a small area, approximately 43 feet from the edge of the big water tower ditch and the edge of the embankment. As regards landscaping, she also wants arborist reports from more than one company, landscaping plans presented to all interested parties; all landscaping to be monitored weekly, and the ability to call a gardener 24/7 to report any problem.

Karen Fanton, 265 Golden Oak Drive, wants to know what kinds of large, fast-growing trees would be used on the property, considering the arborist's report that many of the old trees there are likely to die soon. She also noted that Oakland uses DAS technology.

Sue Chaput, 358 Alamos Road, asked if there are any photos of monopines or computerized simulations to view. She also asked how drive testing is done. It is against the law to use a cell phone while driving. She said landlines are important because a 9-1-1 calls from cell phones are neither automatically located nor recorded. Mr. Vlasic had said it was highly unlikely a residential property owner would erect a cell tower; why then would any property owner erect a cell tower in a strictly residential area? She said she understands that the Town cannot object to the cell tower on health grounds, but why can't residents? And say how they feel about the aesthetics?

Ms. Bacon pointed out that with all the legalistic and technical discussion, no one has addressed the question of what people want. Because she has seen no demonstration that people within the coverage area are requesting services, she asked about T-Mobile's economic incentive to put up a cellular tower that people neither want nor need. She would like to see T-Mobile respect residents' system of values. She said that the Town's 1997 policy statement regarding communication facilities, while it may be outdated, clearly states that a proposal should appeal to 75% of the population.

Holly Gurheusen, whose grand parents live on Golden Oak Lane, said that she would not want to buy a house across the street from a cellular tower. She is concerned that it will reduce the value of their property, which might some day help pay for her college education.

Judith Murphy, 8 Portola Green Circle, noted that she is not affected by the proposed cell tower, but urged denial of the T-Mobile application until the Town has a full policy established because of the domino effect it could have and the precedent it would establish. She said that that less intrusive alternatives clearly seem to be available that haven't been fully investigated, that there are clearly aesthetic issues and clearly questions about Cal Water's commitment to doing what it says it will do.

Chair Gilbert closed the public hearing. Commissioner Zaffaroni suggested that it might be appropriate to respond to some of the public's questions. Vice Chair McKitterick said that Federal law is very clear about what the Planning Commission can consider, and not all of the questions posed are relevant to the decision that the Planning Commission has to make.

In response to Chair Gilbert's summary of key questions raised during the public hearing, Mr. Guerrazzi began with the number of locations in the area that would have in-building coverage. He said that the numbers of buildings or residents is a less appropriate measure than the number of users who visit an area. The subject site will allow the T-Mobile network to provide in-building coverage to approximately 1,900 people. He said that he did not have data on the number of buildings or residents. Mr. Albritton said that the site would broadcast approximately six-tenths of a mile (.6) in all directions from the tower for in-vehicle coverage. In-building coverage would reach approximately one-tenth of a mile (.1). Vice Chair McKitterick questioned whether 1,900 people live within the area indicated on T-Mobile's map of proposed coverage. He said that the Commission wants evidence of how many buildings will be served. Mr. Albritton explained that radio frequency propagates from the tower. A computerized model takes the intensity of the wattage from the tower and predicts how it will be sent out using so-called "clutter tools" that determine whether the area is urban, rural or otherwise. They do not take into account shadows and locations of every home and every tree. Pressed further, Mr. Albritton estimated 200 homes in the coverage area. Mr. Vlasic suggested that judging from the property base map, the number would be closer to 100 and in the range of 80 to 100. He clarified however, that this was a rough estimate.

Mr. Albritton also said that in-building coverage is the measure that carriers are allowed to use in terms of the quality of signal that they can provide and how they would determine a gap. He said there are capacity gaps and coverage gaps. Capacity gaps can deal with population; coverage gaps deal with signal levels over a geographic area. T-Mobile is obligated to provide a signal in its licensed area, and there also is a need to provide capacity, meaning that more sites are needed to provide more calls in a dense area such as San Francisco.

Chair Gilbert moved on to the question about the proposed facility's structural integrity in the event of seismic activity. Mr. Guerrazzi said that the facility would meet all Portola Valley, San Mateo County and California codes and requirements. Mr. Vlasic pointed out that Condition h. requires that the facility be "designed to withstand the 'maximum credible earthquake' and maximum anticipated wind loads at the site."

As for materials, maintenance and fireproofing, Mr. Guerrazzi said materials obviously will meet fire codes. They will be fire-retardant or fireproof, depending on the final design. The slimline pole is much easier to fireproof than a monopine. He said there should be no issues with branches falling from the monopine, but a condition may specify that the facility be maintained in the manner in which it was installed.

Commissioner Zaffaroni asked if and how Federal preemption would affect the technical aspects of wireless services in terms of alternative technologies such as DAS or mesh networks. Mr. Albritton said that T-Mobile does use DAS technology to provide high capacity in relatively small areas. DAS units require fiber optic connections linking the units to a remote location that holds the same radio equipment that would be installed on a cellular tower. In the Clarkston case, he said, the Federal appeals court ruled against the town, which had enacted a point system that established DAS as the preferred technology. Mr. Albritton said that DAS technology also raises concerns among neighbors and encounters resistance. In response to Commissioner Zaffaroni, he said that the opposition primarily involves concerns about effects on property values. DAS requires a facility on every utility pole; without a pole, there can be no service. A mesh network with capacity equivalent to the T-Mobile proposal would require up to 24 nodes feeding back by fiber optic cable to an equipment shelter housing a remote radio unit that converts the fiber signal to an RF signal at each antenna location. He also pointed out that with the single-pole solution 9-1-1 service can be routed to local dispatchers rather than through the California Highway Patrol.

Chair Gilbert noted that one of the conditions of the CUP is that people still be able to walk in the area near the cellular tower. If they do, she asked, will they be subject to higher RF emission levels? Mr. Guerrazzi cited two issues; in the first place, he said, it is private property so Cal Water could restrict access if it chooses to do so. Mr. Hammett, who identified himself as a registered special engineer, said there are no restrictions necessary in terms of compliance with FCC standards. All RF emission levels are at least 100 times below requirement, and nothing outside the fence needs any sort of restriction.

Moved onto the issue of a coverage gap, Vice Chair McKitterick said there seems to be a question about how a significant gap is measured and whether it accounts for anything beyond geography—such as structures that would have in-building reception, people residing in that area, and the presence of major thoroughfares that bring in a significant number of people. He said it is questionable whether enough buildings, people or vehicular traffic are not being served in the purported coverage gap to meet the standard of significance. He also is concerned that the T-Mobile proposal would even fill the coverage gap in terms of those measurements. Mr. Siegel explained that you don't reach the significant gap analysis until making the significant findings on the aesthetics; you can't jump to the second criteria without completing the first. If the Commission concludes that no significant gap exists, it must first make the finding. Chair Gilbert asked for clarification. Would the issue of coverage gap come into play only if the Commission denies the application on the basis of aesthetics? Mr. Siegel said that to the extent that any Commissioners' attorney can be certain about anything, he is certain that her understanding is correct. As to Vice Chair McKitterick's question about whether measurements based on buildings, people and traffic would be a valid approach, Mr. Siegel said that he is not certain, and would not direct that the result would be preordained in a court.

Vice Chair McKitterick said that he tends toward denying the application, influenced in part by tonight's discussion of the precedents. In addition, he does not believe that the substantial gap analysis would be intended to cover every square mile of rural area by cell service, particularly where there are relatively few buildings, small populations and no major thoroughfare. He would not expect a court to conclude that such an area represents a significant coverage gap.

Commissioner Zaffaroni said she appreciates that concern and recognizes that many people in the community share it. She also understands that the case law that defined a two-block area as a substantial gap was in San Francisco, but she doesn't know what else Portola Valley has to look to help guide a decision. Mr. Siegel said that if the actions of the Planning Commission direct the town to a posture that might result in litigation, discussion of the pros and cons would not be appropriate in a public session. He also said that each case cited is based on very fact-intensive analysis, and what might strengthen or weaken a litigant's position would be speculation. Eventually, he said that Congress may or may not trump any litigated cases by passing a new law that is either tighter or more liberal, which is the nature of how law evolves with fast-changing technology. As to where to find guidance in this shifting legal terrain, Mr. Siegel advised looking back to Ms. Sloan's June 11, 2010 memorandum discussing the most recent cases. No numbers exist as guides in the gap analysis the way they do with the RF emissions.

Commissioner Von Feldt said that she is in more doubt now as to whether there is a coverage gap than she had been. She cannot prove otherwise, but she said the fact that the information T-Mobile provided differs from what is in the field, the fact that what was not covered in one test was covered on another occasion and (added by Vice Chair McKitterick) the fact that T-Mobile did not provide us with test data, all make it difficult to put much faith in the coverage gap claim.

Commissioner Zaffaroni said that although she had thought case law defined coverage gap, she too now feels otherwise and believes there is little foundation on which to base a decision. Because of its Town values, Portola Valley is willing to forego some conveniences and amenities available to residents of larger cities and thus would not consider absolutely seamless cell phone service coverage an issue. However, she is not sure that Federal law would share that view, because the case law seems to give little weight to local land use discretion. Mr. Siegel characterized her evaluation as accurate. In a densely populated metropolitan area, San Francisco, the court determined that a two-block area without coverage constituted a significant gap. The law has not been tried in a small rural community, though, so there are no similar cases to go by.

Based on review of the materials and analyses, Commissioner McIntosh said that he had considered there to be a coverage gap and that the Town had no choice, but now that question is not answered. Chair Gilbert also came to the meeting thinking there was a coverage gap but was now confused on how to judge if a significant gap existed. She said it would be nice to have more guidance.

Moving onto aesthetics, Chair Gilbert asked for Commissioners thoughts about the issues.

Commissioner von Feldt said that based on all the meetings she has attended, the aesthetics evidence is substantial and significant enough to deny the application. The audience, the letters and the neighborhood petition all say the proposal is aesthetically unacceptable. The ASCC has said there is no acceptable aesthetic alternative. The trees there will not survive much longer and it will be very difficult, if not impossible, to grow new trees or plantings on the rocky knoll to screen a cellular tower effectively. Peak Lane is not a cul-de-sac, but a small, highly traveled connector road between Golden Oak Drive and Cervantes Road. Vice Chair McKitterick concurred with Commissioner von Feldt's comments.

Commissioner Zaffaroni said that aesthetic question hinges in part on an outcome that is difficult to predict, including the appearance of a custom-fabricated tree and extensive re-landscaping. She credited both T-Mobile and the Town for genuine attempts to mitigate the adverse aesthetic impacts.

Commissioner McIntosh said that over his 12 years on the Planning Commission, he has always found Mr. Vlastic's analyses and reports thorough, thoughtful and empathetic. He agrees that there are ugly utility poles all over the Town, and probably 40 poles on Peak Lane that look horrible, with wires all over the place. He said that the faux trees he has seen appear acceptable, and the old trees on the Cal Water property won't all die at once. He sees an opportunity to actually improve this site, leveraging Cal Water and T-Mobile to make it better. Commissioner McIntosh said that his observations, both from walking the site and from photographs, lead him to agree with Mr. Vlastic that the proposed tower would not be very visible. He said that in his opinion, it would be a utility providing a service—such as power, telephone and water. In fact, he said that a high-elevation site owned by the water company is a perfect place for a cell tower.

Chair Gilbert said that she has a problem in terms of the proposal's aesthetics. She applauds the applicant for efforts in terms of tree variations, extensive landscaping and so on, but because the old trees on the site are likely die before the 10-year permit expires, the cell tower will stand alone for some time. The fact that residences are right up against the site makes the aesthetic criteria higher than it would be otherwise, she added, pointing out that most cell towers go up in commercial areas with residences around not as close.

Commissioner Zaffaroni said that she wants to know whether the proposed mitigation would produce acceptable aesthetics in the future, and has not been able to make that determination. Mr. Vlastic explained that staff's efforts relative to aesthetic conditions were predicated on having very little latitude in terms of the coverage gap. It was in trying to work within what they believed regulatory limitations to be that staff came up with so many elements to landscaping control. Mr. Siegel added that he, too, is going on the assumption of a very narrowly defined gap, and cited again the Town Attorney's memorandum of June 11, 2010.

Vice Chair McKitterick pointed out that the Planning Commission previously may have been under the impression that geography was the sole determinant, but that may not be the case. Mr. Albritton suggested that the discussion seemed to be leading down a wrong path. He said a significant gap is determined by substantial evidence, which in the San Francisco case was based on scan maps and coverage maps rather than phone calls—and thus was defined by geography. Population may be a factor but the question is whether there is substantial evidence to identify a significant gap. T-Mobile's submissions and RCC Consulting's findings both support that substantial evidence. People may be confusing that evidence with the number of people who will be covered. Erecting a tower 100 or 120 feet tall would provide service to many in-building households, but that has nothing to do with whether there is a gap in coverage.

Chair Gilbert posed another question for discussion: Given the alternatives and the particular site—despite concerns about aesthetics—does the proposal represent the least intrusive or aesthetically problematic alternative? Mr. Siegel said that it appears that the landlord's willingness to have cellular equipment on a property is a standard. Under the circumstances, Commissioners agreed that the proposal is the least intrusive alternative.

Coming back to the coverage gap issue, Chair Gilbert requested further Commissioner input. Vice Chair McKitterick said that he concurs with Commissioner Zaffaroni that it would be helpful to have a closed session in which privileged information could be discussed and Commissioners could more effectively weigh the issues. Lacking that, he said that he has doubts about whether 1) there is a significant gap and 2) the proposed solution would fill a significant gap. Mr. Siegel observed that while there is a strong desire to reach a conclusion at this meeting, some time does remain before the decision must be made, so a publicly noticed closed session could be scheduled. He reiterated that there is no way to convey legal information without the Planning Commission

holding a closed session. Vice Chair McKitterick said that if the Planning Commission denies the application, the Town Council could hold a closed session with counsel and make a decision on appeal, assuming that T-Mobile would appeal a denial. Mr. Siegel said that would also be a legally permissible option.

Chair Gilbert said that if nothing else, the Planning Commission should comment on its findings for the record. Mr. Vlasic indicated that if the Commissioners conclude that no significant gap has been established, under policies and the use permit, it may deny supporting the application without further commenting on its findings. Mr. Siegel said that if a denial were to be appealed, which is not unusual with land use decisions, the Town Council is more accustomed than the Planning Commission to having closed sessions to discuss such issues.

Commissioner Zaffaroni noted that this has been an unusual process, with a lot of new information coming in up until the last moment. Getting back to the Town values that she brought up earlier, she said that raises a policy issue on which a decision would rest with the Town Council anyway. It also would be up to the Town Council to make any decision in terms of legal matters. For those reasons, she said she is not sure that even a closed session for the Planning Commission would be helpful.

Vice Chair McKitterick said that whether the Planning Commission grants or denies approval of the application, his inclination is to do the best with what they have.

Chair Gilbert asked whether any Commissioners are concerned that there is a coverage gap on the basis of RCC Consultants' findings. Vice Chair McKitterick said that it is not the consultant's decision to make. What was needed from the consultant was information about where there was going to be service, where there wasn't, whether it was safe and met standards—not for the consultant to make the decision for the Planning Commission.

Commissioner Zaffaroni noted the difference between verifying a coverage gap and determining whether the gap is significant. Verification of a coverage gap has been made, she said; its significance is more a matter of discretion. Commissioner Zaffaroni believes there is a gap in coverage, but because there seems to be no absolute legal answer, she prefers to say the gap is not significant if that is a discretionary decision. She would rather have a significant gap defined more broadly based on Town values and characteristics. If it is within her discretion to say so, the coverage gap is not significant. Chair Gilbert said that she agrees there is a gap but does not know on what basis to make a decision about its significance.

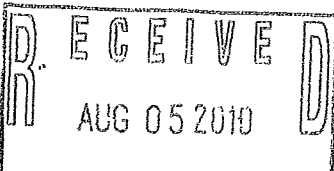
Vice Chair McKitterick noted that of eight findings that the Planning Commission must be able to make in order to grant a CUP under Zoning Ordinance Section 18.72.130, three (#2, #4 and #6) involve aesthetics issues. In regards to item #1, Commissioner McIntosh said it would be one thing if the tower were being located on Alpine Road or Portola Road, but the subject site is in the midst of a thoroughly rural residential district would not be "properly located in relation to the community as a whole..."

In terms of item #7, Vice Chair McKitterick quoted, "... based on the evidence before it, that the proposed use will meet a need in the town..." and said that evidence has not been demonstrated. Chair Gilbert pointed out that this is not specific to T-Mobile, but with respect to any cellular provider.

Commissioner Von Feldt said that she narrowed the list of most important findings that she absolutely could not make down to #2 and #4 and possibly #6. Commissioner Zaffaroni agreed about #2 and #4. Vice Chair McKitterick asked if it was necessary for the Planning Commission to affirm or deny all of the relevant findings, or if it could address just #2 and #4. Mr. Siegel said that assuming the motion is to deny the CUP application, the Planning Commission would set forth its reasons, based on aesthetic grounds, explaining that it cannot make the required findings under the Zoning Code. He said that the motion must be specific on reasons for stating that there is a significant aesthetic impact.

Vice Chair McKitterick moved that the application for a Conditional Use Permit (CUP) X7D-170, Wireless Communication Antenna Facility, Intersection of Golden Oak Drive and Peak Lane, T-Mobile West Corporation, be denied for the following aesthetic reasons: 1) the ASCC unanimously found the proposal aesthetically unacceptable; 2) the arborist's report said that the trees will die in a very short timeframe; 3) neighbors have objected on aesthetic grounds and none have spoken up in support of the site location; 4) the thin, rocky soil is unlikely to support alternative screening; 5) the area where the pole is proposed consists of single-family homes in a rural area. Based on those aesthetic reasons, we find that application does not comport with the Town Zoning Ordinance for a Conditional Use Permit. In addition, we find that there is substantial evidence in the

written record that the proposed antenna would impose an undue visual impact, contrary to the public interest and spirit of the Zoning Ordinance, which is to preserve the natural beauty of Portola Valley, especially in this type of location. Additionally, we find that 1) no significant gap has been demonstrated to the Commission and 2) the proposal would not fill a significant gap. Commissioner Von Feldt seconded and the motion carried 4-1 (McIntosh).



NOTICE OF APPEAL TO TOWN COUNCIL
Town of Portola Valley, California

For Official Use Only:
Acceptance for filing: Town Clerk al, Date 8-5-10
Fee 890 - 1 Deposit 1500 -
Town Council Hearing Date R#28645
9-22-10

The undersigned hereby appeals the following described action of the (Planning Commission, Board of Adjustment, or Architectural and Site Control Commission) to the Town Council in accordance with provisions of the Zoning Ordinance (Ord. 1967-80) and any amendments thereto, and submits the following information for consideration.

1. APPLICANT: Name (Print or type) Zon Architects Representing T-Mobile West Corp
Street Address 660 4th Street #225; City San Francisco
Business Telephone 707-935-1111; Home Telephone N/A
Applicant is Owner _____; Authorized Agent of Owner X; Other _____
(If authorized agent, complete item 2 below)

2. OWNER: Name (Print or type) California Water Service Company
Street Address 1720 North First Street; City San Jose
Business Telephone 408-367-8200; Home Telephone N/A

3. DESCRIPTION OF PROPERTY: Street Address Golden Oak @ Peak Lane
Subdivision Name Corte De Madera; Lot No. N/A; Block No. N/A
Rancho
Assessor's Parcel Number 079-092-350; Zoning District R-1

4. SPECIFIC ACTION BEING APPEALED: _____
CUP X7D-170: Denial by Planning Commission of Use Permit application
for a T-Mobile wireless communications facility.

5. SPECIFIC GROUNDS FOR APPEAL: _____
Decision violates 47 U.S.C. § 332 et sec. And the Portola Valley Town Code.
See attached letter.

I, the undersigned, do hereby certify that the facts and information contained in this application are accurate and complete to the best of my knowledge. I declare under penalty of perjury that the foregoing is true and correct. Executed at San Francisco, California on 8/5/10 (date)

Greg Guerrazzi

(Signature of agent or owner)

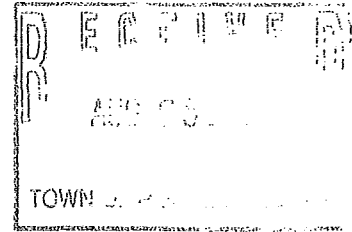
Note: This application cannot be accepted for filing unless it is accompanied by the required filing fee.

MACKENZIE & ALBRITTON LLP

423 WASHINGTON STREET, SIXTH FLOOR
SAN FRANCISCO, CALIFORNIA 94111

TELEPHONE 415 / 288-4000
FACSIMILE 415 / 288-4010

August 5, 2010



VIA HAND DELIVERY

Mayor Steve Toben
Vice Mayor Ted Driscoll
Councilmembers Maryann Moise Derwin, John Richards and Ann Wengert
Town Hall
Portola Valley, CA 94028

Re: Appeal of Planning Commission Decision on the Application by T-Mobile West Corporation for Conditional Use Permit No. X7D-170 to install a Tree Pole Telecommunications Facility at Golden Oak Drive and Peak Lane

Honorable Mayor Toben and Councilmembers:

We write to you on behalf of our client T-Mobile West Corporation ("T-Mobile") to appeal the decision of the Planning Commission to deny Conditional Use Permit application No. X7D-170 for a T-Mobile wireless telecommunications facility to be located at Golden Oak Drive and Peak Lane in Portola Valley. T-Mobile appeals the decision of the Planning Commission on the following grounds:

The decision of the Planning Commission violates Federal Law and in particular the Telecommunications Act of 1996, as amended. Specifically, the decision is not supported by substantial evidence in violation of 47 USC 332(c)(7)(B)(iii); the decision prohibits, or has the effect of prohibiting, T-Mobile from providing personal wireless services in Portola Valley in violation of 47 USC 332(c)(7)(B)(i)(II); and the decision is unreasonably discriminatory in violation of 47 USC 332(c)(7)(B)(i)(I) of the Communications Act. See also 47 USC 332(c)(7)(B)(iv).

Further, the decision of the Planning Commission violates the Portola Valley Town Code and in particular Title 18. Specifically, the Planning Commission failed to fulfill the requirements for rendering a decision under Chapter 18.72 et. seq. of the Portola Valley Town Code. This failure further violates the Town's obligation to render a written decision under 47 USC 332(c)(7)(B)(iii).

Other grounds for this appeal are express in T-Mobile's prior correspondence to the Town and will be provided prior to the appeal hearing

Very truly yours,

Paul B. Albritton

cc: Marian Vetro Esq.

MACKENZIE & ALBRITTON LLP

423 WASHINGTON STREET, SIXTH FLOOR
SAN FRANCISCO, CALIFORNIA 94111

TELEPHONE 415 / 288-4000
FACSIMILE 415 / 288-4010

September 17, 2010

VIA EMAIL

Mayor Steve Toben
Vice Mayor Ted Driscoll
Honorable Councilmembers Maryann Moise Derwin, John Richards and Ann Wengert
765 Portola Road
Portola Valley, CA 94028

Re: Conditional Use Permit (CUP) X7D-170:
Wireless Communication Antenna Facility,
Intersection of Golden Oak Drive and Peak Lane, T-Mobile West Corp.
***Appeal of the Decision of the Planning Commission Denying Permit
Town Council Agenda October 13, 2010***

Dear Mayor Toben and Members of the Town Council:

We write on behalf of our client T-Mobile West Corporation (“T-Mobile”) to request that you grant this appeal and approve T-Mobile’s application for the Conditional Use Permit referred to above. For the reasons explained in detail below, the Planning Commission’s denial of the Permit was in error, was not based on substantial evidence, and violates provisions of the federal Telecommunications Act of 1996 (the “Telecommunications Act”), 47 U.S.C. §332, *et seq.*

T-Mobile has presented substantial evidence that the proposed wireless communications facility at the intersection of Golden Oak Drive and Peak Lane (“Proposed Facility”) is necessary to close a significant gap in coverage in the Town of Portola Valley, and that the Proposed Facility is the least intrusive alternative. Under applicable provisions of the federal Telecommunications Act, this evidence is sufficient to establish that a denial of the permit would have the impermissible effect of prohibiting the provision of personal wireless services. *See* 47 U.S.C. §332(c)(7)(B)(i)(II). The Planning Commission’s conclusion that there is no significant gap in service is not supported by substantial evidence, and accordingly, denial of this appeal would constitute an effective prohibition of wireless services in violation of federal law.

Further, while legally superseded by a demonstrated ban on service, the Planning Commission’s decision to deny the permit on aesthetic grounds similarly lacks any basis

in substantial evidence. The conclusions of the Planning Commission with respect to landscaping and trees at the site are simply inaccurate, and directly contrary to the record.

We urge the Council to follow the recommendations of the Planning Staff and acknowledge the professional conclusions of the Town's own expert, RCC Consultants, Inc., both of which confirm that T-Mobile's permit application is supported by substantial evidence, and should be approved to allow the provision of wireless service to a significant gap in coverage in Portola Valley.

I. *Background.*

This appeal concerns T-Mobile's application for a Conditional Use Permit for the installation of a pole antenna wireless communication facility on a 1.3 acre property located at the intersection of Golden Oak Drive and Peak Lane. The property is owned by the California Water Service Co., and already is the site of a large water tank and generator. The Proposed Facility would consist of a fifty foot tree pole, with a 15-foot by 15-foot equipment area at the base, surrounded by an eight-foot fence. The proposal includes substantial landscaping immediately adjacent to the Proposed Facility, along with several screening trees which would camouflage the pole, and also significantly enhance the existing aesthetics at the site. At the proposed height, the monopine (or treepole) would accommodate the T-Mobile and Cal Water antennas. At the sixty foot height recommended by the Architectural Site and Control Commission ("ASCC"), the monopine would accommodate one additional wireless carrier.¹

In support of its application, T-Mobile has submitted extensive materials demonstrating the need for the Proposed Facility and explaining its design, including radio frequency ("RF") coverage maps showing a significant gap in T-Mobile's in-building and in-vehicle coverage for the area; an RF emissions report demonstrating compliance with Federal Communications Commission ("FCC") standards; site plans; photo simulations showing how the Proposed Facility will appear when constructed; an acoustic analysis demonstrating that the Proposed Facility will comply with the Town noise ordinances; an Arborist Report evaluating the existing trees at the site and the proposed landscaping; and an Alternatives Analysis. Many of these materials, along with additional materials as described below, are attached hereto as Exhibits.

II. *Wireless Facilities, Federal Law and Local Zoning.*

T-Mobile is licensed by the Federal Communications Commission ("FCC") to provide wireless telecommunications services throughout the United States, including in Portola Valley. T-Mobile recognizes that the Town of Portola Valley is a community of unique character and beauty. It is also located in close proximity to Stanford University,

¹ In order to accommodate three carriers plus the Cal Water antenna, a monopine of up to 70' tall may be required.

to two of the largest cities in California, to one of the most important areas of high technology development in the world, to a number of top-flight medical facilities, and to other important commercial and research and development districts. There can be no doubt that the residents and emergency personnel of Portola Valley both use and demand high quality and reliable wireless telecommunications service.

The federal Telecommunications Act attempts to reconcile potential conflicts between the necessary deployment of new wireless telecommunications facilities (“WCFs”) and local land use authority “by placing certain limitations on localities’ control over the construction and modification of WCFs.” *Sprint PCS Assets, LLC v. City of Palos Verdes Estates*, 583 F.3d 716, 721 (9th Cir. 2009). Specifically, as relevant here, the Telecommunications Act preserves local control over land use decisions, subject to the following explicit and mandatory statutory restrictions:

- The local government must act on a permit application within a reasonable period of time (47 U.S.C. §332(c)(7)(B)(ii));
- The decision must be in writing and supported by substantial evidence contained in a written record (47 U.S.C. §332(c)(7)(B)(iii));
- The local government may *not* regulate the placement, construction, or modification of WCFs on the basis of the environmental effects of radio frequency emissions to the extent such facilities comply with the FCC’s regulations concerning such emissions (47 U.S.C. §332(c)(7)(B)(iv));
- The local government may not unreasonably discriminate among providers of functionally equivalent services (47 U.S.C. §332(c)(7)(B)(i)(I)); and
- The local government’s decision must not “prohibit or have the effect of prohibiting the provision of personal wireless services” (47 U.S.C. §332(c)(7)(B)(i)(II)).

The “substantial evidence” requirement means that a local government’s decision must be “authorized by applicable local regulations and supported by a reasonable amount of evidence (i.e., more than a ‘scintilla’ but not necessarily a preponderance).” *Metro PCS, Inc. v. City and County of San Francisco*, 400 F.3d 715, 725 (9th Cir. 2005); *see also Sprint PCS*, 583 F.3d at 726 (a local government decision must be valid under local law and supported by “such relevant evidence as a reasonable mind might accept as acceptable to support a conclusion”). Generalized concerns about aesthetics are insufficient to constitute substantial evidence upon which a local government could deny a permit. *City of Rancho Palos Verdes v. Abrams*, 101 Cal.App.4th 367, 381 (2002). While a local government may regulate the placement of WCFs based on aesthetics, it must have specific reasons that are both consistent with the local regulations and

supported by substantial evidence in the record to deny a permit; generalized opinions or concerns are insufficient.

Under the “effective prohibition” criteria (the last in the list above), a local government runs afoul of the Telecommunications Act if it prevents a wireless provider from closing a “significant gap” in service coverage. This issue involves a two-pronged analysis: (1) whether the provider has demonstrated the existence of a “significant gap” in coverage; and (2) whether the proposed facility is the “least intrusive means,” in relation to the land use values embodied in local regulations, to address the gap. *See e.g., Metro PCS*, 400 F.3d at 734-35; *Sprint PCS*, 583 F.3d at 726. In California, courts follow the “multi provider rule,” which means that the focus is on whether the provider shows a significant gap in *its own* service coverage; the availability of wireless service from other providers in the area is irrelevant for purposes of the analysis. *Metro PCS*, 400 F.3d at 733; *Sprint PCS*, 583 F.3d at 726, n. 8.

If a provider demonstrates both the existence of a significant gap in coverage, and that the proposed facility meets the “least intrusive means” standard, the local government is *required* to approve the facility, even if there would otherwise be substantial evidence to deny the permit on aesthetic grounds or under other local land use provisions. This is because the requirements for federal preemption under the Telecommunications Act have been satisfied, i.e., denial of the permit would “have the effect of prohibiting the provision of personal wireless services.” 47 U.S.C. §332(c)(7)(B)(1)(ii); *T-Mobile USA, Inc. v. City of Anacortes*, 572 F.3d 987, 999 (9th Cir. 2009). For the local jurisdiction to overcome this preemption, it must show that another alternative is available, that it is technologically feasible, and that it is “less intrusive” than the proposed facility. *T-Mobile v. Anacortes*, 572 F.3d at 998-999.

With this legal framework in mind, we address below the specific issues before the Council with respect to T-Mobile’s permit application, and its appeal of the Planning Commission’s decision.

III. *The Planning Commission Lacked Substantial Evidence to Deny the Permit on Aesthetic Grounds.*

The Planning Commission denied T-Mobile’s permit application largely on aesthetic grounds. Specifically, the Commission cited as its grounds for denial that: (1) the ASCC had found the proposal “aesthetically unacceptable,” (2) the Arborist’s Report said that the screening trees would die “in a very short time frame;” (3) neighbors had objected on aesthetic grounds and none had spoken in support of the project; (4) the soil at the site was unlikely to support alternative screening; and (5) the proposed site is a “rural” area of single family homes. *See* Letter of Leslie A. Lambert, Planning Manager, dated July 23, 2010 (“Denial Letter”).

We submit that there is no substantial evidence in the record to support these conclusions. First, as detailed in both April 1, 2010 and July 1, 2010 Memoranda to the Planning Commission by Planning Staff (the "Staff Reports"), the Proposed Facility was the subject of extensive review, including at least three meetings of the Planning Commission and two review sessions by the ASCC. As a result of this lengthy review process, alternative site plans and photo-simulations were prepared comparing stealth monopine and slim-line monopole designs, and an Arborist Report was prepared detailing the necessary plantings and enhancements to preserve and improve existing landscape screening. The ASCC determined that the "least intrusive of the pole alternatives" at the water tank site would be the monopine design, constructed in accordance with ASCC recommendations.

The Staff Reports reviewed the monopine design and confirmed that the Proposed Facility complies with applicable provisions of the Town Municipal Code. Upon reviewing all of the reports, hearing applicant submissions and findings for approval, the Staff Report concluded, "Based on the data available, it appears that the monopine option, subject to the ASCC identified criteria, may be the alternative with the least adverse impacts." April 1, 2010 Staff Report, at page 6.

Further, and specifically with respect to issues of aesthetics, the July 1, 2010 Staff Report noted that the subject area already includes a "large number" of power poles along streets in the area, including along the parcel boundary, and that these poles are "highly visible along street corridors." Staff noted that most people take the poles for granted, and are not particularly aware of them or of the attached equipment. This is evidence that the addition of the monopine Proposed Facility would neither significantly impact the area, nor be obtrusive to residents. As noted by Staff, the Town encourages the undergrounding of utility lines, and has a long term plan to reduce the number of utility poles over time. The DAS and micro-cell alternatives to the monopine design that were considered would, as noted in the Staff Report, actually *increase* the amount of equipment along the roadway, and would require additional utility poles, which would be inconsistent with the Town's overall undergrounding objectives.²

The Staff Report also concluded that the landscaping and maintenance conditions that were recommended would not only mitigate the monopine proposal but enhance screening of the existing water tank on the property, and "*significantly improve site conditions* with added landscaping . . ." July 1, 2010 Staff Report, at page 5 (emphasis added). In other words, it was the conclusion of Staff the Proposed Facility would clearly *improve* the aesthetics of the existing site. It is notable that many of the public input comments reflected in the meetings of the ASCC expressed displeasure with the *existing* condition of the site, including the lack of screening, maintenance or landscaping

² Our letters to the Town Counsel of June 25, 2010 and July 1, 2010 confirm that it is beyond the Town's authority to dictate the technology used by T-Mobile to provide wireless service as confirmed in the June 30, 2010 decision of the Second Circuit Court of Appeals. *New York SMSA Ltd. v. Town of Clarkstown*, 2010 U.S. App. LEXIS 13364 (2d Cir. Jun 30, 2010).

around the existing water tank. As the Staff Report correctly concluded, these conditions would be significantly improved with the addition of the Proposed Facility under the recommended conditions of approval.

With respect to the issue of the screening trees and landscaping, we submit that the Planning Commission's conclusion that the trees would die "in a very short time" and that the soil is "unlikely to support alternative screening," was simply not supported by any evidence. In the Arborist Report that was submitted to the Commission, the Arborist explained that he examined four existing trees on the site (Monterey pines) for the purpose of *providing guidelines for how to preserve the trees during construction*. The Report concluded that two of the trees are in "Poor" condition, corresponding to a life expectancy of 0-5 years. The other two, however, are in "Fair" condition, corresponding to a life expectancy of 15-20 years. More importantly, the Report says nothing about the site having insufficient soil conditions to maintain tree growth or other landscaping. To the contrary, the Report notes that there are a number of other trees in the vicinity, including additional Monterey pines, redwoods, eucalyptus, and other shrubs, that provide screening for neighboring parcels. The Report further states:

An additional planting will be included to conceal the fenced area that will surround the cell tower. Native plants or common used hedges can be used for this purpose. Multi trunk Coast live oaks (*Quercus agrifolia*) or scrub oaks (*Quercus dumosa*) will provide *good long term screening*. The Monterey pines on site are over mature and will achieve mortality individually over the next 10 years.

Arborist's Report, at page 1 (emphasis added). In other words, while the existing trees at the site may die within the next 10 years, new trees can (and will) be planted that will provide "good long term screening."

Further, subsequent to the hearing before the Planning Commission, T-Mobile obtained a supplemental report from the Arborist, a copy of which is attached hereto as Exhibit A (letter of McClenahan Consulting, LLC, dated September 13, 2010). This supplemental report provides recommendations for maintenance of the existing trees to enhance longevity, and also provides specific recommendations for the types of new trees and shrubs that will be planted to screen the Proposed Facility. T-Mobile intends to follow these proposed recommendations. A landscape plan (limited to the represent the recommendations set forth in the Arborists' Supplemental report for screening of the fenced equipment and monopine) is attached as Exhibit B. Attached hereto as Exhibit C are photo simulations³ showing a projection of what the Proposed Facility will look like, with the recommended landscaping and screening trees, at planting, at five years after planting, and 10 years after planting. These simulations demonstrate that the Proposed

³ Photosimulations depict a 60' monopine that would accommodate T-Mobile, a second wireless carrier and the Cal Water antenna.

Facility can and will be adequately screened so as to allay any concerns about the aesthetics of the project.

We also note that the Planning Commission's characterization of the area as "rural" is in error and without substantial evidence. While the Town may indeed have a rural ambience in the colloquial sense, the location for the Proposed Facility is actually classified urban by the United States Census Bureau and within the San Francisco – Oakland Urban Area⁴.

Lastly, although the Planning Commission did not characterize its denial as based on concerns regarding RF emissions, this was a recurring theme of comments made in opposition to the Proposed Facility by area residents. As noted above, under federal law, such concerns are beyond the authority of the Town and do not qualify as substantial evidence for denial where RF emissions comply with federal standards. To confirm compliance with federal standards Hammett & Edison Consulting Engineers has provided the Town with a radio frequency engineering analysis dated September 17, 2009 (the "H&E RF Report"), attached as Exhibit D. The H&E RF Report confirms that the Proposed Facility will operate well within (and actually far below) all applicable FCC public exposure limits. Indeed, the H&E RF Report states that with the Proposed Facility operating at maximum theoretical power levels, the RF exposure for a person anywhere at ground level near the site would be a mere 1.4% of the applicable public limit. The maximum exposure level at the second story level of the closest residence is calculated at a mere 2.3% of the applicable public exposure standard.

The federal preemption regarding RF emissions applies whether the local decision is explicitly based on environmental effects, or through some proxy such as property values. A federal district court in California has held that in light of the federal preemption of RF regulation, "concern over the decrease in property values may not be considered as substantial evidence if the fear of property value depreciation is based on concern over the health effects caused by RF emissions." *AT&T Wireless Services of California LLC v. City of Carlsbad*, 308 F.Supp.2d 1148, 1159 (S.D. Cal. 2003). Thus, to the extent the Planning Commission's denial of the permit on aesthetic grounds was simply a proxy for the real but unstated reason of neighborhood concerns over RF emissions and property values, the decision was clearly contrary to federal law and must be reversed.

IV. *T-Mobile Has Demonstrated That There is a "Significant Gap" in Coverage.*

⁴ See: http://ftp2.census.gov/geo/maps/urbanarea/uaoutline/UA2000/ua78904/ua78904_00.pdf

The Planning Commission also erred in concluding that T-Mobile had failed to demonstrate that the identified gap in coverage is “significant”.⁵ As noted above, under the federal law, if a provider demonstrates that a significant gap in its coverage exists, and that the proposed facility is the least intrusive alternative for addressing that gap, the facility must be approved. 47 U.S.C. §332(c)(7)(B)(i)(II).

T-Mobile has submitted detailed radio propagation coverage maps to show a significant gap in in-building and in-vehicle coverage in the residential area of Portola Valley north of Alpine Road. The Proposed Facility will fill a gap located within a semi-circle of three existing T-Mobile micro cell facilities along Alpine Road and Portola Road and one macro-cell facility at the Priory to the South. The location of the Proposed Facility is dictated by the proximity to these adjacent sites and topography. The higher elevation of the water tank location provides advantageous line of sight coverage to a broader geographic area. The site is unique in providing necessary elevation while at the same time constituting the only non-residential used parcel that could provide line of sight signal propagation to the coverage gap.

The existence of this significant gap in coverage is verified and explained in the Statement of William Daugherty, Senior Radio Frequency Engineering Manager of T-Mobile, attached hereto as Exhibit E. This Statement was prepared in response to the comments of the Planning Commission members in order to further explain the significance of the coverage gap. Mr. Daugherty’s Statement explains and graphically represents in detail the area in which the coverage gap occurs, the population within the significant gap area (i.e., the number of potential wireless users affected), the roadways that are located within the gap area, and the degree of vehicle usage of those roadways, the existence of recreational trails on which wireless service should be provided, and other factors demonstrating the existence and significance of the coverage gap to T-Mobile’s network.

The technical existence of the T-Mobile coverage gap has been fully confirmed by the third party “peer review” consultants retained by the Town, RCC Consultants, Inc. (“RCC”). RCC used data and proprietary information provided by T-Mobile, and also performed its own independent measurements of service coverage within the subject area. RCC confirmed that T-Mobile’s assertion of a significant gap in coverage is valid. *See* RCC Consultants, Inc., Wireless Facility Engineering Review, July 1, 2010, at page 7.

Given all of this evidence, we submit that the Planning Commission’s conclusion that the identified gap in coverage is not “significant” is in error, and cannot be sustained under the applicable law.

⁵ Curiously, as reflected by the minutes of the Planning Commission hearing of July 7, 2010, the Planning Commission did not question whether there is a gap in coverage, but merely whether that gap is “significant.”

As summarized by one court in a recent decision, “‘significant gap’ determinations are extremely fact-specific inquires that defy any bright line legal rule.” *Sprint PCS Assets, LLC v. City of Palos Verdes Estates*, 583 F.3d 176 (9th Cir. 2009). There are no precise definitions or parameters as to what exactly constitutes a “significant” gap. For example, there is no delineation in the court cases as to exactly how many people must be affected, or as to exactly how large an area must be covered, in order for a gap to be “significant.” Rather, courts examine the specific facts of each case to make this determination based on the totality of the circumstances.

There are, however, certain factors that are considered. These factors include, without limitation, whether the gap results in weak signals or creates a complete void in coverage; whether the gap area includes a roadway that is important to local residents or to commuters; and whether the gap poses a public safety risk. *See e.g., Sprint PCS v. Palos Verdes, supra*, 583 F.3d at 727, *citing see e.g., Cellular Tel. Co. v. Zoning Bd of Adjustment of the Borough Ho-Ho-Kus*, 197 F.3d 64, 70, n. 2 (3d Cir. 1999); *Nextel Partners, Inc. v. Town of Amherst*, 251 F.Supp.2d 1187, 1196 (W.D.N.Y.2003); *Voice Stream PCS I, LLC v. City of Hillsboro*, 301 F.Supp.2d 1251, 1261 (D.Or.2004); *APT Minneapolis, Inc. v. Stillwater Twp.*, No. 00-2500, 2001 WL 1640069, at 2-3 (D.Minn. June 22, 2001).

One court summarized the relevant factors as follows:

When relevant, courts assessing whether a coverage gap is significant should consider, *inter alia*, the physical size of the gap, the area in which there is a gap, the number of users the gap affects, and whether all of the carrier’s users in that area are similarly affected by the gaps.

Omnipoint Holdings, Inc. v. City of Cranstron, 586 F.3d 38, 49 (1st Cir. 2009). In that case, the court upheld the lower court’s finding of a significant gap because the demonstrated gap included an area around an avenue that was “a heavily traveled and important route” connecting the community with its neighbors. *Ibid. See also Nextel Partners, Inc. v. Town of Amherst*, 251 F.Supp.2d 1187, 1196 (W.D. N.Y. 2003) (gap was significant because it included a well-traveled road on which customers lacked roaming capabilities).

In another case, *Cellular Tel. Co. v. Zoning Bd. Of Adjustment of the Borough of Ho-Ho-Kus*, 197 F.3d 64, 70, n. 2 (3d Cir. 1999), the court summarized its view of the relevant factors as follows:

There may be any number of factors that a reviewing court may find it necessary to consider when determining whether a significant gap exists, and we make no attempt to enumerate them here. We think it matters a great deal, however, whether the “gap” in service merely covers a small residential cul-de-sac or whether it straddles a significant commuter highway. . . Unlike a utility such as

electrical power, cellular service is used in transit, so a gap that covers a well-traveled road could affect large numbers of travelers--and the people who are trying to communicate with them. Over the course of a year, the total disruption caused could be quite significant.

In general, courts have indicated that a gap is *not* significant if it consists only of a few “dead spots” within an existing coverage area. *See e.g., MetroPCS, Inc. v. City and County of San Francisco*, 400 F.3d 715, 733 (9th Cir. 2005) (the Telecommunications Act “does not guarantee wireless service providers coverage free of a small ‘dead spots.’”); *Voice Stream PCS I, LLC v. City of Hillsboro*, 301 F.Supp.2d 1251 (D. Or. 2004) (“[a] significant gap does not exist simply because an area with coverage also has ‘dead spots’ . . .”). Other courts have suggested that a gap is not significant “where the holes in coverage are very limited in number or size (such as the interiors of buildings in a *sparsely populated rural area*, . . .).” *Sprint Spectrum, L.P. v. Willoth*, 176 F.3d 630, 643 (2nd Cir. 1999) (emphasis added).

Under the criteria courts have identified on this issue, it is clear that T-Mobile has demonstrated the existence of a “significant” gap in its service coverage. The gap does not consist of only a few small “dead spots” within an otherwise adequate service area. Rather, as explained in the Statement of Mr. Daugherty, attached hereto as Exhibit E, and as confirmed by RCC, the T-Mobile signal within the gap area is insufficient to provide either reliable in-vehicle or in-building service in an area measuring over one square mile. The gap area does not consist of only one small residential cul-de-sac. Rather, the area that will benefit from the new coverage consists of approximately 400 residential parcels. Under all the applicable case law, the affected area constitutes a significant gap.

In addition, the significant gap area includes a number of roads, including a well-traveled section of Cervantes Road. T-Mobile has obtained traffic counts from the Town for that section of roadway indicating that there approximately 600 vehicles trips on that section of road per day. Over the course of a year, the gap in in-vehicle coverage would extend to more than 180,000 vehicle trips over that section of roadway. A gap in coverage on well-traveled roads, used by residents coming and going from their communities, is one of the major factors that have been specifically identified by the courts as demonstrating that a coverage gap is “significant.” See discussion above.

The gap area also includes several well-used hiking, biking and equestrian trails. Many of the people who use those trails are likely to be carrying cell phones both for purposes of convenience and for purposes of safety. Indeed, the website for Portola Valley *specifically recommends* that riders always carry a cell phone for safety reasons. For T-Mobile customers, however, that safety precaution obviously means that the significant gap in coverage over a large section of these recreational trails must be addressed.

All of the factors summarized above, and as discussed in more detail in the Statement of Mr. Daugherty, Exhibit E hereto, demonstrate that the gap in service coverage T-Mobile seeks to address through the Proposed Facility is "significant." The Planning Commission had no substantial evidence to conclude otherwise.

V. *The Proposed Site is the "Least Intrusive" Alternative.*

Lastly, the evidence before the Council also demonstrates that the Proposed Facility is the least intrusive alternative to address the coverage gap. The identified gap in coverage, topography, residential uses, and distance from adjacent T-Mobile facilities leave little opportunity for alternative site locations for the Proposed Facility. There are no commercial structures or available collocation facilities in the proposed coverage area. Parcels in any direction from the Proposed Facility are lower in elevation (compromising coverage area) and in current residential use (eliminating leasing and zoning feasibility).

Attached hereto as Exhibit G is an Alternatives Analysis that discusses the various alternatives to the Proposed Facility that were considered. One alternative was a microcell installation on a utility pole in front of a residence on Golden Oak Drive, located near the site of the Proposed Facility. As explained in the Alternative Analysis, this alternative would provide coverage far inferior to that offered by the Proposed Facility, and would also have significantly *greater* visual impact. T-Mobile also considered two additional alternative locations, including one location in the western hills that was recommended by neighbors and town representatives and another located at a California Water Service Company facility at Sioux Way. As indicated in the visuals included in the Alternatives Analysis, however, neither of these alternative locations would provide coverage for the identified area in which a coverage gap currently exists.

In addition, at the request of the Town, T-Mobile investigated a multiple "micro-cell" alternative to the Proposed Facility, as described in the attached Alternatives Analysis. Coverage maps that have been submitted by T-Mobile, however, show that equivalent in-building coverage cannot be achieved, even with eight micro-cells. And, as reviewed in the Staff Report, an eight-site micro-cell system would multiply potential adverse impacts, likely by a factor of eight, if not more, as a number of homes would be directly adjacent to wireless infrastructure; particularly, as the staff notes, if this solution is replicated by other carriers. *See* July 1, 2010 Staff Report, at page 4. RCC, the Town's consultant retained for the independent peer review, also concluded that the micro-cell alternative was inferior to the Proposed Facility in terms of addressing the coverage gap, and also in terms of feasibility, given the need for and burden of using existing and additional utility poles. *See* RCC Report, July 1, 2010, at pages 7-8.

The RCC Report also considered two additional alternatives – Distributed Antenna Systems (DAS) and Femtocells – and found that neither is technologically feasible or appropriate under the circumstances. *See* RCC Report, July 1, 2010, page 9. Further, as noted above, current federal case law would preclude the Town from dictating

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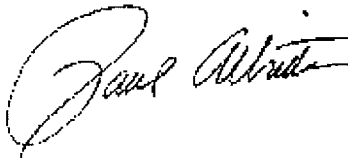
the antenna technology used by T-Mobile to provide wireless service as this area is fully regulated by the FCC. Thus, the Alternatives Analysis, the Staff Reports review of alternatives, the RCC Report, and the ASCC recommendations for a monopine design, all plainly demonstrate that there is no less intrusive means than the Proposed Facility to fill the signal gap identified by T-Mobile.

Having identified a significant gap in coverage, and also having shown that the Proposed Facility is the least intrusive means to fill that gap, T-Mobile has met its burden to preempt any denial of the facility based on local land use regulations such as aesthetics. In such circumstances, the burden shifts to the Town to provide substantial evidence that another alternative is available, that it is technologically feasible, and that it will provide adequate signal coverage with less impact than the Proposed Facility. See *T-Mobile USA, Inc. v. City of Anacortes*, 572 F.3d at 998-999. In the *Anacortes* case, T-Mobile showed that a 116' tower to be placed in the city (which the city had substantial evidence to deny due to aesthetics) was the least intrusive of other feasible alternatives, including multi-site alternatives to fill a significant signal gap. Having made a credible showing that the tower was the least intrusive means to provide needed coverage, the Ninth Circuit Court of Appeals, in affirming summary judgment against the City of Anacortes, held that the burden shifted to the city to identify a less intrusive alternative. Here, T-Mobile has demonstrated that no such feasible and less intrusive alternative is available to serve the residential community to the north of Alpine Road in Portola Valley.

VI. *Conclusion.*

T-Mobile has worked in good faith to meet the wireless telecommunications needs of Portola Valley, and to do so consistent with both federal law and Town land use regulations and guidelines. While minimally impacting adjacent neighbors, T-Mobile's proposal will bring life-saving technology to a significant number of Portola Valley residents, service providers, emergency service personnel and visitors. We urge the Council to overturn the decision of the Planning Commission, and to grant T-Mobile's permit application.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Paul Albritton", written in a cursive style.

Paul B. Albritton

cc: Sandy Sloan Esq.
Kevin Brinkley Esq.

Portola Valley Town Council
September 17, 2010

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Schedule of Attachments:

Exhibit A - Arborist's recommendations

Exhibit B - Landscape Plan

Exhibit C - Photosims depicting landscaping over time

Exhibit D - RF Report

Exhibit E - Statement of William Daugherty

Exhibit F - Alternatives Analysis



McClenahan Consulting, LLC

Arboriculturists Since 1911

1 Arastradero Road, Portola Valley, CA 94028-8012

Telephone (650) 326-8781

Fax (650) 854-1267

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September 13, 2010

Zon Architects

Attention: **Mr. Greg Guerrazzi**

660 4th Street, Suite 255

San Francisco, CA 94107

RE: **280 Golden Oak Drive
Portola Valley, CA**

Dear Mr. Guerrazzi:

As requested, I reviewed the site plan to provide recommendations as follows:

- To maintain and extend the life of existing trees.
- To recommend suitable plant species and quantities for screening the compound and monopine.
- Soil analysis will be performed by Soil and Plant Labs and submitted separately.

- **Maintenance of Existing Trees**

The dominant species of trees in the vicinity of the monopine and compound is Monterey pine (*Pinus radiata*). Various Eucalypts and Coast redwoods are also located on the Cal Water property. Supplemental irrigation, mulch, fertilization and monitoring/treating for red turpentine bark beetle and pine pitch canker are the key elements to preserve the pines. Mulch and irrigation are key to preserving the redwoods. The declining pine trees will likely continue to decline.

A *supplemental irrigation program* is recommended for the existing trees and should be accomplished at regular three to four week intervals during the period of October through May. Irrigation is to be applied at or about the 'drip line' in an amount sufficient to supply approximately fifteen (15) gallons of water for each inch in trunk diameter.

A *program of fertilization* by means of deep root soil injection is recommended with applications in spring and summer for those trees to be impacted by construction.

Mulching with wood chips (maximum depth 3") within tree environments (outer foliar perimeter) will lessen moisture evaporation from soil, protect and encourage adventitious roots and minimize possible soil compaction.

Zon Architects
Attention: **Mr. Greg Guerrazzi**
Page 2

- **New Plantings**

To screen the monopine or large antenna, I recommend replacing Monterey pines as they die with Coast redwood (*Sequoia sempervirens*), Douglas fir (*Pseudotsuga menziesii*) and Coast live oak (*Quercus agrifolia*). Fifteen-gallon trees are recommended as they will adapt better to the site conditions. The replacement ratio would be two 15 gallon trees for every lost tree. Should planting be required prior to monopine installation, trees should be planted on the outer side of the declining pines. This will help to maintain screening. Redwoods will be the faster growing tree, 12 inches per year, and will match other plantings bordering the property. Sunlight as well as early care will greatly influence the growth rate.

To screen the compound or fenced utility yard I recommend Toyon (*Heteromeles arbutifolia*), Ceanothus 'Julia Phelps' or Hollyleaf cherry (*Prunus ilicifolia*). These shrubs will mature at 6-foot height and should be sufficient to screen the compound. Plant 4-feet on center in 15 gallon cans or 3-feet on center for 5 gallon cans. Twelve to fifteen plants should be sufficient to adequately screen three sides of the compound when the plantings mature. The Hollyleaf cherry will likely screen the compound the quickest, between 5 and 10 years.

All written material appearing herein constitutes original and unpublished work of the Arborist and may not be duplicated, used or disclosed without written consent of the Arborist.

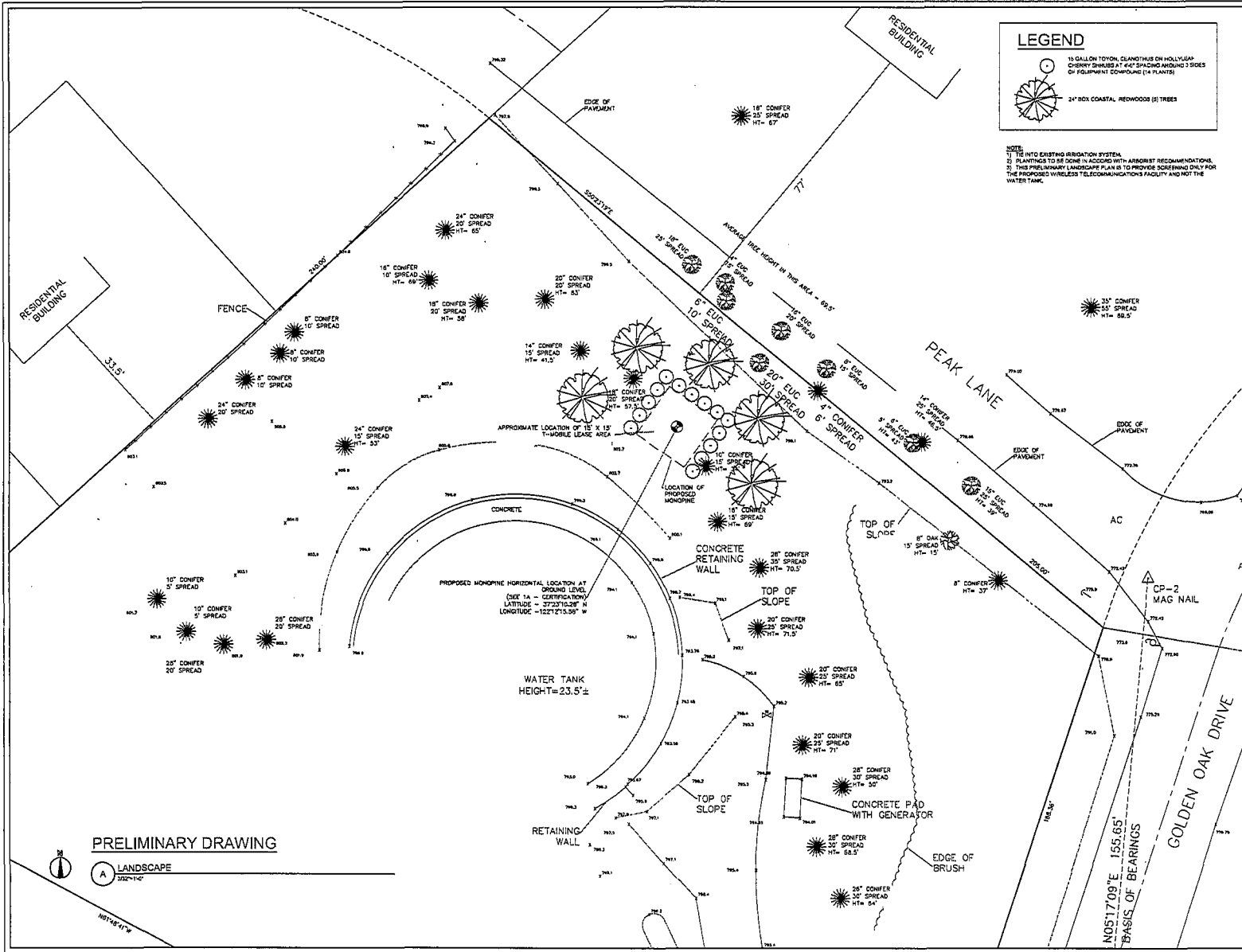
We thank you for this opportunity to be of assistance in your tree preservation concerns.

Should you have any questions, or if we may be of further assistance in these concerns, kindly contact our office at any time.

Very truly yours, .

John H. McClenahan
ISA Board Certified Master Arborist – 1476B
Member, American Society of Consulting Arborists
McClenahan Consulting, LLC

JHMc: pm
Email: gregguerrazzi@vom.com
Hard copy to follow by surface mail.



T-Mobile West Corporation
A DoCoMo Corporation

1855 GATEWAY BLVD., 9TH FLOOR
CONCORD, CA 94520

PROJECT INFORMATION:
SF13134G
GOLDEN OAK WATER TANK
GOLDEN OAK DR. & PEAK LN,
PORTOLA VALLEY, CA 94028

CURRENT ISSUE DATE:
09/15/2010

ISSUED FOR:

ZONING

REV.	DATE	DESCRIPTION	BY
1	3/22/2010	100% 2D	MH
2	7/22/2010	100% 2D	NS
3	09/15/2010	100% 2D	NS

PROJECT ARCHITECT/ENGINEER:

ZON ARCHITECTS
ZON ARCHITECTS, INC.
585 4TH STREET #255
SAN FRANCISCO, CA 94107
PHONE: (415) 740-6974
FAX: (415) 351-3502

CONSULTANT:

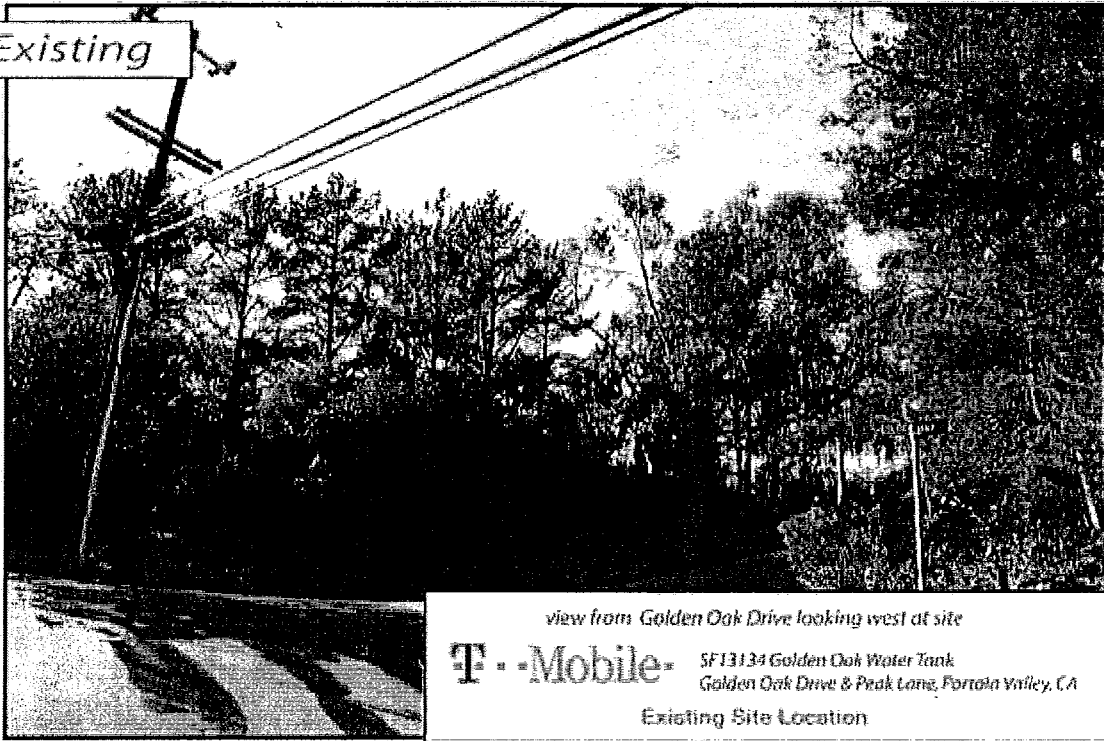
DRAWN BY:	CHK.:	APV.:
MH	N.S.	D.E.

LICENSER:

SHEET TITLE:
LANDSCAPE PRELIMINARY DRAWING

SHEET NUMBER:
L-1

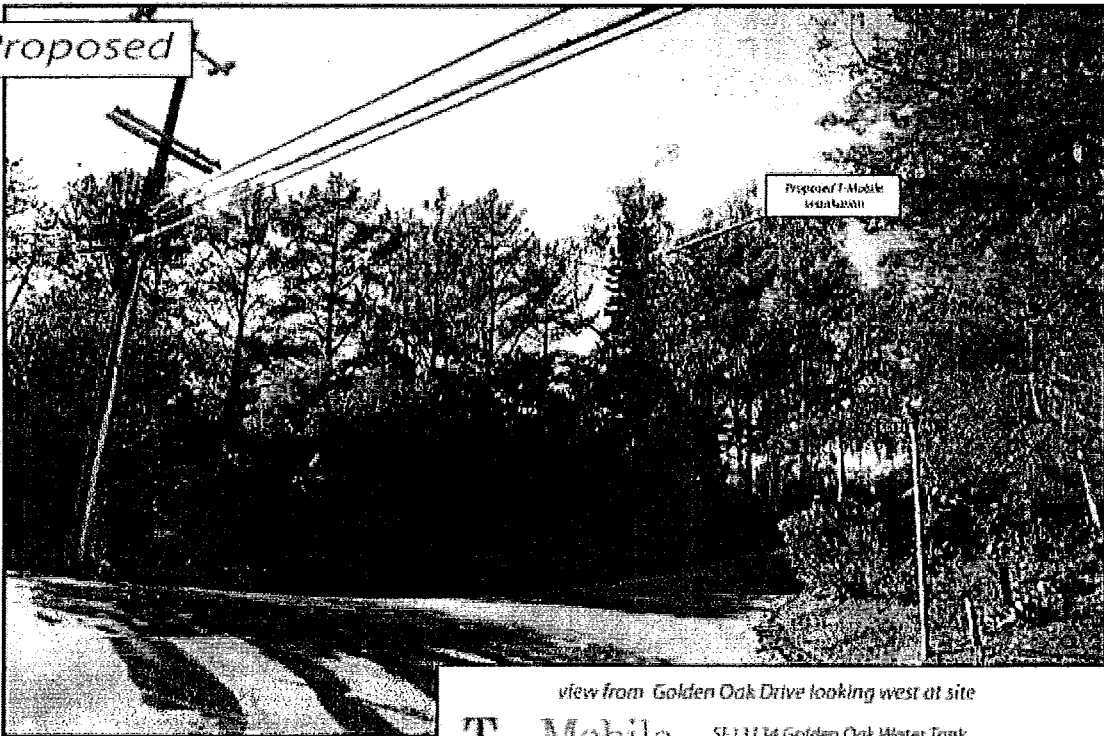
Existing



view from Golden Oak Drive looking west at site

T-Mobile SF 13134 Golden Oak Water Tank
Golden Oak Drive & Peak Lane, Portola Valley, CA
Existing Site Location

Proposed

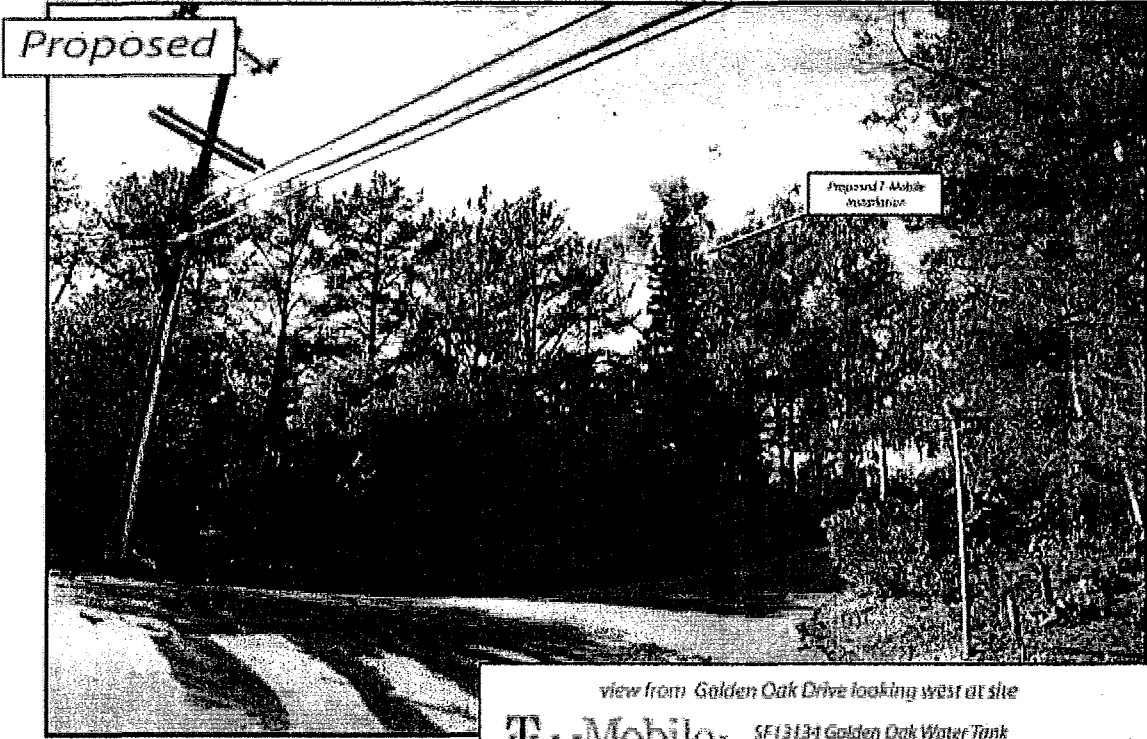


Proposed T-Mobile water tower

view from Golden Oak Drive looking west at site

T-Mobile SF 13134 Golden Oak Water Tank
Golden Oak Drive & Peak Lane, Portola Valley, CA
Landscaping growth shown at initial planting

AdvanceSim

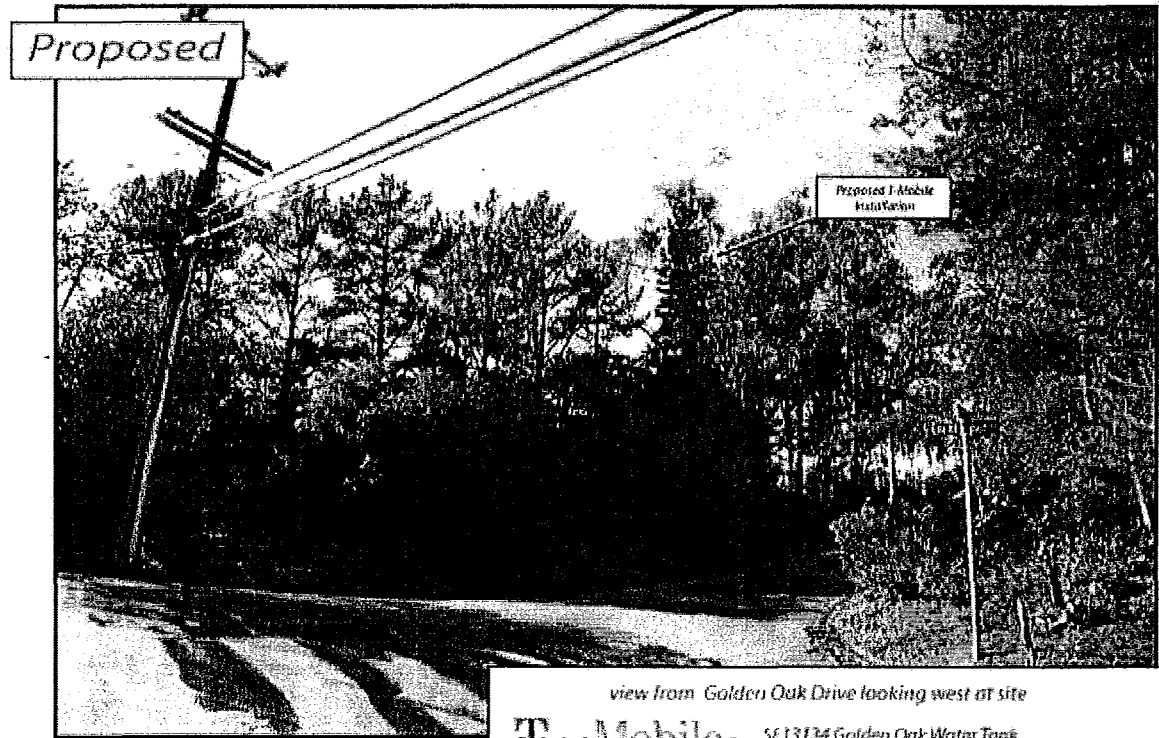


view from Golden Oak Drive looking west at site

T-Mobile 5F13134 Golden Oak Water Tank
Golden Oak Drive & Peak Lane, Portola Valley, CA

Landscaping growth shown at 5 years

AdvanceSim



view from Golden Oak Drive looking west at site

T-Mobile 5F13134 Golden Oak Water Tank
Golden Oak Drive & Peak Lane, Portola Valley, CA

Landscaping growth shown at 10 years

AdvanceSim

**T-Mobile West Corp. • Proposed Base Station (Site No. SF13134G)
Golden Oak Drive and Peak Lane • Portola Valley, California**

Statement of Hammett & Edison, Inc., Consulting Engineers

The firm of Hammett & Edison, Inc., Consulting Engineers, has been retained on behalf of T-Mobile West Corp., a personal wireless telecommunications carrier, to evaluate the base station (Site No. SF13134G) proposed to be located near the intersection of Golden Oak Drive and Peak Lane in Portola Valley, California, for compliance with appropriate guidelines limiting human exposure to radio frequency (“RF”) electromagnetic fields.

Prevailing Exposure Standards

The U.S. Congress requires that the Federal Communications Commission (“FCC”) evaluate its actions for possible significant impact on the environment. In Docket 93-62, effective October 15, 1997, the FCC adopted the human exposure limits for field strength and power density recommended in Report No. 86, “Biological Effects and Exposure Criteria for Radiofrequency Electromagnetic Fields,” published in 1986 by the Congressionally chartered National Council on Radiation Protection and Measurements (“NCRP”). Separate limits apply for occupational and public exposure conditions, with the latter limits generally five times more restrictive. The more recent standard, developed by the Institute of Electrical and Electronics Engineers and approved as American National Standard ANSI/IEEE C95.1-2006, “Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3 kHz to 300 GHz,” includes similar exposure limits. A summary of the FCC’s exposure limits is shown in Figure 1. These limits apply for continuous exposures and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health.

The most restrictive FCC limit for exposures of unlimited duration to radio frequency energy for several personal wireless services are as follows:

Wireless Service	Frequency Band	Occupational Limit	Public Limit
Microwave (Point-to-Point)	5–23,000 MHz	5.00 mW/cm ²	1.00 mW/cm ²
BRS (Broadband Radio)	2,600	5.00	1.00
AWS (Advanced Wireless)	2,100	5.00	1.00
PCS (Personal Communication)	1,950	5.00	1.00
Cellular	870	2.90	0.58
SMR (Specialized Mobile Radio)	855	2.85	0.57
700 MHz	700	2.35	0.47
[most restrictive frequency range]	30–300	1.00	0.20

General Facility Requirements

Base stations typically consist of two distinct parts: the electronic transceivers (also called “radios” or “channels”) that are connected to the traditional wired telephone lines, and the passive antennas that

**T-Mobile West Corp. • Proposed Base Station (Site No. SF13134G)
Golden Oak Drive and Peak Lane • Portola Valley, California**

send the wireless signals created by the radios out to be received by individual subscriber units. The transceivers are often located at ground level and are connected to the antennas by coaxial cables about 1 inch thick. A small antenna for reception of GPS signals is also required, mounted with a clear view of the sky. Because of the short wavelength of the frequencies assigned by the FCC for wireless services, the antennas require line-of-sight paths for their signals to propagate well and so are installed at some height above ground. The antennas are designed to concentrate their energy toward the horizon, with very little energy wasted toward the sky or the ground. Along with the low power of such facilities, this means that it is generally not possible for exposure conditions to approach the maximum permissible exposure limits without being physically very near the antennas.

Computer Modeling Method

The FCC provides direction for determining compliance in its Office of Engineering and Technology Bulletin No. 65, "Evaluating Compliance with FCC-Specified Guidelines for Human Exposure to Radio Frequency Radiation," dated August 1997. Figure 2 attached describes the calculation methodologies, reflecting the facts that a directional antenna's radiation pattern is not fully formed at locations very close by (the "near-field" effect) and that at greater distances the power level from an energy source decreases with the square of the distance from it (the "inverse square law"). The conservative nature of this method for evaluating exposure conditions has been verified by numerous field tests.

Site and Facility Description

Based upon information provided by T-Mobile, including drawings by ZON Architects, Inc. dated August 18, 2009, it is proposed to mount three RFS Model APX16DWV-16DWV-S-E-A20 directional panel antennas at the top of a 55-foot steel pole, configured to resemble a pine tree, to be constructed to the northeast of the municipal water tank located near the intersection of Golden Oak Drive and Peak Lane in Portola Valley. The antennas would be mounted with up to 4° downtilt at an effective height of about 47½ feet above ground and would be oriented at about 120° spacing, to provide service in all directions. The maximum effective radiated power in any direction would be 1,260 watts, representing simultaneous operation at 400 watts for AWS and 860 watts for PCS operations. There are reported no other wireless telecommunications base stations nearby.

Study Results

For a person anywhere at ground, the maximum ambient RF exposure level due to the proposed T-Mobile operation is calculated to be 0.0083 mW/cm², which is 0.83% of the applicable public exposure limit. The maximum calculated level at the top of the water tank, about 35 feet away, is 0.27% of the public exposure limit. The maximum calculated level at the second-floor elevation of the

**T-Mobile West Corp. • Proposed Base Station (Site No. SF13134G)
Golden Oak Drive and Peak Lane • Portola Valley, California**

nearby residence to the northwest (about 175 feet away) is 1.9% of the public limit; the maximum calculated level at the nearby residence to the northeast (about 75 feet away) is 0.035% of the public limit. It should be noted that these results include several "worst-case" assumptions and therefore are expected to overstate actual power density levels from the proposed operation.

No Recommended Mitigation Measures

Due to their mounting locations, the T-Mobile antennas would not be accessible to the general public, and so no mitigation measures are necessary to comply with the FCC public exposure guidelines. It is presumed that T-Mobile will, as an FCC licensee, take adequate steps to ensure that its employees or contractors comply with FCC occupational exposure guidelines whenever work is required near the antennas themselves.

Conclusion

Based on the information and analysis above, it is the undersigned's professional opinion that the base station proposed by T-Mobile West Corp. at Golden Oak Drive and Peak Lane in Portola Valley, California, will comply with the prevailing standards for limiting public exposure to radio frequency energy and, therefore, will not for this reason cause a significant impact on the environment. The highest calculated level in publicly accessible areas is much less than the prevailing standards allow for exposures of unlimited duration. This finding is consistent with measurements of actual exposure conditions taken at other operating base stations.

Authorship

The undersigned author of this statement is a qualified Professional Engineer, holding California Registration Nos. E-13026 and M-20676, which expire on June 30, 2011. This work has been carried out under his direction, and all statements are true and correct of his own knowledge except, where noted, when data has been supplied by others, which data he believes to be correct.

July 7, 2010



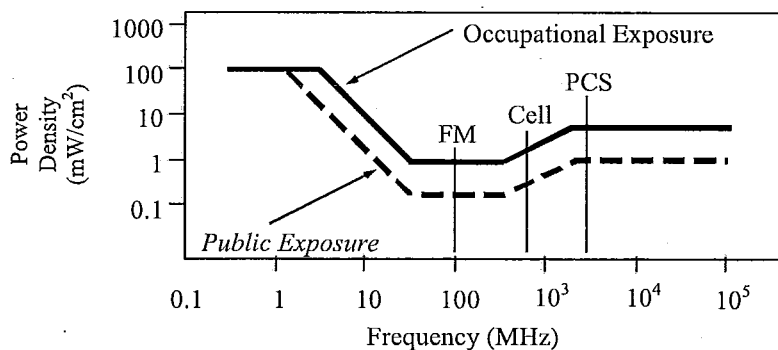
William F. Hammett
William F. Hammett, P.E.

FCC Radio Frequency Protection Guide

The U.S. Congress required (1996 Telecom Act) the Federal Communications Commission (“FCC”) to adopt a nationwide human exposure standard to ensure that its licensees do not, cumulatively, have a significant impact on the environment. The FCC adopted the limits from Report No. 86, “Biological Effects and Exposure Criteria for Radiofrequency Electromagnetic Fields,” published in 1986 by the Congressionally chartered National Council on Radiation Protection and Measurements (“NCRP”). Separate limits apply for occupational and public exposure conditions, with the latter limits generally five times more restrictive. The more recent standard, developed by the Institute of Electrical and Electronics Engineers and approved as American National Standard ANSI/IEEE C95.1-2006, “Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3 kHz to 300 GHz,” includes similar limits. These limits apply for continuous exposures from all sources and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health.

As shown in the table and chart below, separate limits apply for occupational and public exposure conditions, with the latter limits (in *italics* and/or dashed) up to five times more restrictive:

Frequency Applicable Range (MHz)	Electromagnetic Fields (<i>f</i> is frequency of emission in MHz)					
	Electric Field Strength (V/m)		Magnetic Field Strength (A/m)		Equivalent Far-Field Power Density (mW/cm ²)	
0.3 – 1.34	614	<i>614</i>	1.63	<i>1.63</i>	100	<i>100</i>
1.34 – 3.0	614	<i>823.8/f</i>	1.63	<i>2.19/f</i>	100	<i>180/f²</i>
3.0 – 30	1842/f	<i>823.8/f</i>	4.89/f	<i>2.19/f</i>	900/f ²	<i>180/f²</i>
30 – 300	61.4	<i>27.5</i>	0.163	<i>0.0729</i>	1.0	<i>0.2</i>
300 – 1,500	3.54√ <i>f</i>	<i>1.59√f</i>	√ <i>f</i> /106	<i>√f/238</i>	<i>f/300</i>	<i>f/1500</i>
1,500 – 100,000	137	<i>61.4</i>	0.364	<i>0.163</i>	5.0	<i>1.0</i>



Higher levels are allowed for short periods of time, such that total exposure levels averaged over six or thirty minutes, for occupational or public settings, respectively, do not exceed the limits, and higher levels also are allowed for exposures to small areas, such that the spatially averaged levels do not exceed the limits. However, neither of these allowances is incorporated in the conservative calculation formulas in the FCC Office of Engineering and Technology Bulletin No. 65 (August 1997) for projecting field levels. Hammett & Edison has built those formulas into a proprietary program that calculates, at each location on an arbitrary rectangular grid, the total expected power density from any number of individual radio sources. The program allows for the description of buildings and uneven terrain, if required to obtain more accurate projections.



RFR.CALC™ Calculation Methodology

Assessment by Calculation of Compliance with FCC Exposure Guidelines

The U.S. Congress required (1996 Telecom Act) the Federal Communications Commission ("FCC") to adopt a nationwide human exposure standard to ensure that its licensees do not, cumulatively, have a significant impact on the environment. The maximum permissible exposure limits adopted by the FCC (see Figure 1) apply for continuous exposures from all sources and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health. Higher levels are allowed for short periods of time, such that total exposure levels averaged over six or thirty minutes, for occupational or public settings, respectively, do not exceed the limits.

Near Field.

Prediction methods have been developed for the near field zone of panel (directional) and whip (omnidirectional) antennas, typical at wireless telecommunications base stations, as well as dish (aperture) antennas, typically used for microwave links. The antenna patterns are not fully formed in the near field at these antennas, and the FCC Office of Engineering and Technology Bulletin No. 65 (August 1997) gives suitable formulas for calculating power density within such zones.

For a panel or whip antenna, power density $S = \frac{180}{\theta_{BW}} \times \frac{0.1 \times P_{net}}{\pi \times D \times h}$, in mW/cm²,

and for an aperture antenna, maximum power density $S_{max} = \frac{0.1 \times 16 \times \eta \times P_{net}}{\pi \times h^2}$, in mW/cm²,

- where θ_{BW} = half-power beamwidth of the antenna, in degrees, and
- P_{net} = net power input to the antenna, in watts,
- D = distance from antenna, in meters,
- h = aperture height of the antenna, in meters, and
- η = aperture efficiency (unitless, typically 0.5-0.8).

The factor of 0.1 in the numerators converts to the desired units of power density.

Far Field.

OET-65 gives this formula for calculating power density in the far field of an individual RF source:

$$\text{power density } S = \frac{2.56 \times 1.64 \times 100 \times RFF^2 \times ERP}{4 \times \pi \times D^2}, \text{ in mW/cm}^2,$$

- where ERP = total ERP (all polarizations), in kilowatts,
- RFF = relative field factor at the direction to the actual point of calculation, and
- D = distance from the center of radiation to the point of calculation, in meters.

The factor of 2.56 accounts for the increase in power density due to ground reflection, assuming a reflection coefficient of 1.6 ($1.6 \times 1.6 = 2.56$). The factor of 1.64 is the gain of a half-wave dipole relative to an isotropic radiator. The factor of 100 in the numerator converts to the desired units of power density. This formula has been built into a proprietary program that calculates, at each location on an arbitrary rectangular grid, the total expected power density from any number of individual radiation sources. The program also allows for the description of uneven terrain in the vicinity, to obtain more accurate projections.



Statement of William Daugherty
Senior Radio Frequency Manager
T-Mobile West Corporation

September 17, 2010

My name is William Daugherty and I am the Senior Radio Frequency Manager for T-Mobile West Corporation ("T-Mobile") responsible for the design of digital wireless networks in the San Francisco Bay Area and Northern California.

Signal Gap

In my capacity as Senior Radio Frequency Manager, I have proposed the placement of a wireless telecommunications facility at Golden Oak and Peak Drive in Portola Valley to fill a significant gap in T-Mobile's wireless network that extends roughly from Alpine Road to the South and North to the town border. T-Mobile currently operates three micro-cell facilities in a crescent along Portola Avenue and Alpine Road with one macro-cell facility at the Priory further south. The topography of Portola Valley slopes up to the north of this crescent of coverage allowing some radio frequency coverage along the south, east and west borders of this area, but generally leaving an RF shadow to the north along the undulating hilly topography to the northern Town border. T-Mobile radio frequency propagation maps and drive tests have confirmed the lack of reliable signal coverage in this area as shown in the coverage maps submitted to the Town. The purpose of this site is to allow T-Mobile to provide reliable in-vehicle coverage as well as in-building residential service. The lack of adequate signal coverage in this area is not disputed, and has been confirmed by the Town's third party engineering review conducted by RCC Consulting Engineers.

Signal Strength

Cellular service works through line-of-site technology. Signal strength is a function of the distance from the receiving phone or device to the cell site antenna, the signal loss from intervening walls, vehicle exteriors, foliage and topography as well as interference from other radio signals in the area. T-Mobile must build its network so that its antennas are close enough to receiving wireless devices to receive signal through intervening barriers and to receive signal back from the mobile device as well. As the signal weakens due to increasing distance from the site and degradation from obstacles described above, the probability of making and receiving calls or utilizing other services such as texting and the Internet diminishes. All of these factors are taken into account in determining the signal level required to provide reliable service to a specific geographic area such as Portola Valley. Prohibiting service to such areas in the San Francisco - Oakland Urban Area¹, would essentially prohibit T-Mobile from effectively providing wireless service in this Urban Area.

¹ The site is located in the San Francisco - Oakland Urban Area as defined by the US Census Bureau. See: http://ftp2.census.gov/gen/maps/urbanarea/uaoutline/UA2000/ua78904/ua78904_00.pdf

Significance of Gap in Portola Valley

A. Geographic Gap. The geographic area to be served by the proposed wireless facility at Golden Oak Drive and Peak Lane is significant. Extending approximately 0.6 miles in all directions, the proposed site will provide service to over one square mile of residential Portola Valley. This equates to approximately 400 residential parcels that will benefit from E911 locator capabilities and new outdoor service from the site. A graphic representation of this significant geographic gap is shown in black in Attached Exhibit A.

B. Roadway Gap. While T-Mobile customers can use their phones on Portola Road and Alpine Road when approaching the neighborhoods of northern Portola Valley, that level of in-vehicle coverage is simply not available in the area to be served. This includes a lack of reliable service along Cervantes Road, which Town traffic counts show carries an average of 600 vehicle trips per day. In total, more than 2 miles of roadway will receive reliable in-vehicle service from the proposed facility where none currently exists. This proposed coverage fills an obvious and significant gap in T-Mobile coverage for any vehicle exiting Portola Road or Alpine Road to access the residential neighborhoods to the north in central Portola Valley. A graphic representation of the roads to be served by the proposed facility is shown in Exhibit B.

C. Population Gap. The proposed facility will provide reliable E911 pinpointing capabilities through the undulating topography for slightly over one square mile of the residential neighborhoods in northern Portola Valley. According to U.S. Census data of 2007 this translates to a population area of 1,366 persons and over one quarter of Portola Valley's population. In addition, the proposed facility will provide service for mobile customers including service personnel. As noted, the site will be located in the area identified by the US Census as the San Francisco – Oakland Urban Area.

D. E911 Service Gap. An essential service provided by T-Mobile's wireless network is the ability to make emergency 911 calls from outdoor recreational areas where injuries and emergencies may occur, particularly when people are walking or riding on bicycle or horseback by themselves. Equally important is the ability of the network to locate the geographic location of a calling device. The gap in wireless coverage to be filled by the proposed site includes a significant network of equestrian and walking trails, including the Cervantes Trail, Fawn Trail, Shady Trail and Minoca Trails in Portola Valley. The importance of filling this significant gap in E911 service is reflected by the Town of Portola Valley's website recommendation that residents carry a cell phone when riding in these areas. Currently Portola Valley generates approximately six 911 calls per day. Service from the proposed facility will provide essential E911 device locating services covering over 3.3 miles of Portola Valley's recreational trails. A map of the trails covered by the proposed facility is attached as Exhibit C.

Personal Coverage Check.


Comparing PCC Maps to the Propagation Maps that T-Mobile engineers provide to local governments in support of new cell site permit applications is like comparing apples and oranges. They are designed for and serve different purposes. PCC Maps only provide a limited

level of detail about the RF coverage in a given area. Propagation Maps are far more detailed, much more accurate in predicting a specific RF signal strength at a given location and provide predictions of RF coverage at RF signal strengths not detailed on the PCC Maps. Reflecting this difference, the Personal Coverage Check includes the statement "Maps approximate anticipated coverage outdoors, which varies by location, may include limited or no coverage areas, and do not guarantee service availability." Finally, a review of the Personal Coverage Check for Portola Valley shows a gap in coverage in the area where the proposed site is to be located. The Personal Coverage Check map for the proposed coverage area, available online at coverage.t-mobile.com is attached as Exhibit D

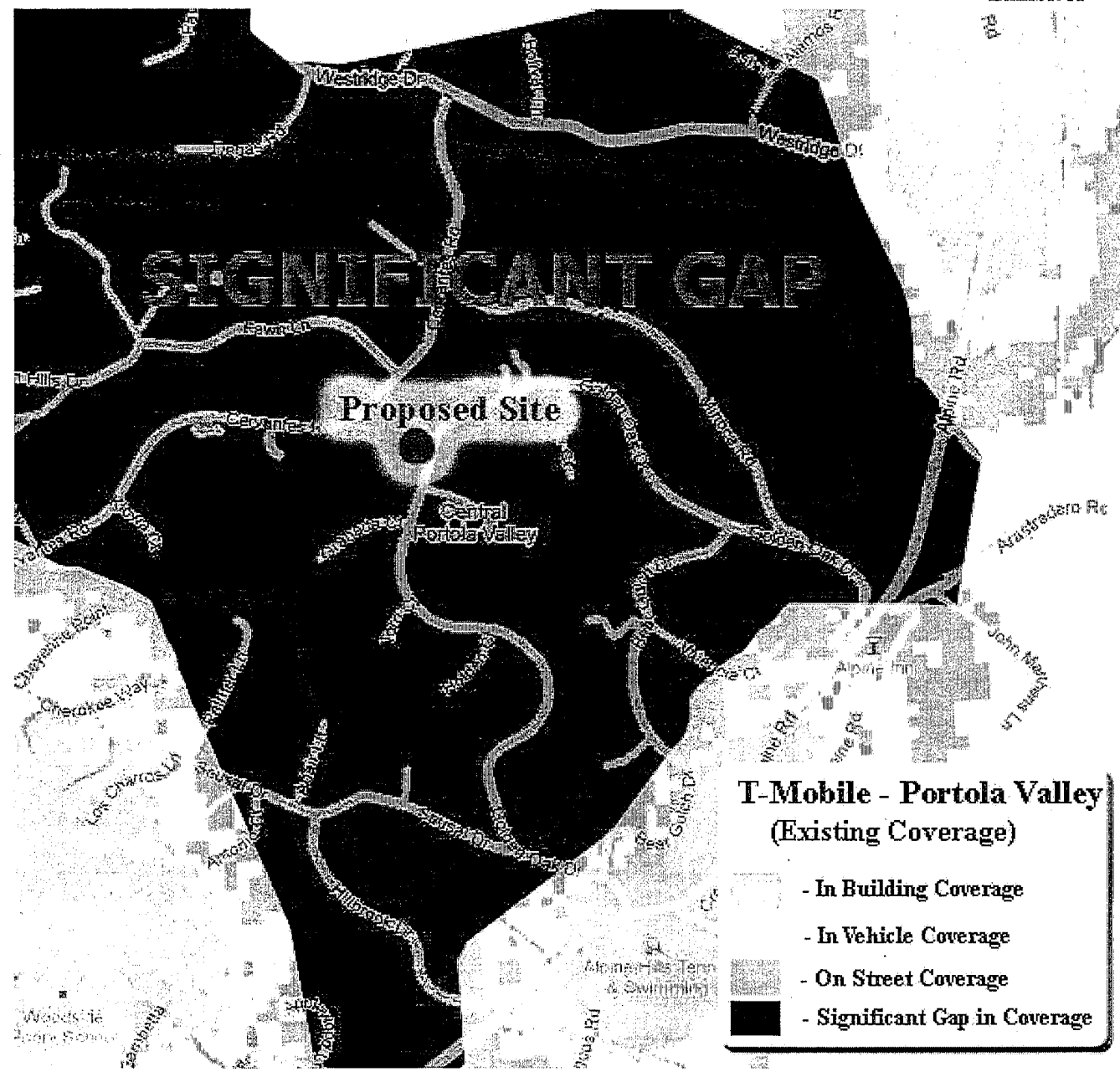
Conclusion

In sum, T-Mobile exercises professional industry recognized radio science techniques in designing its wireless network. These techniques, confirmed by the Town's radio frequency expert, show a clear signal gap in the area of Portola Valley to be served by the proposed facility. As shown in attached Exhibit E, the coverage provided by the proposed facility will fill the identified significant geographic, population, roadway and E911 gaps referenced above. This area, and those areas similar to it also located in the San Francisco - Oakland Urban Area, are essential to T-Mobile's provision of wireless service and the absence of service in any area of this size, population, and traffic density would constitute a significant gap in T-Mobile's national wireless network.

I attest that the forgoing is true and correct.

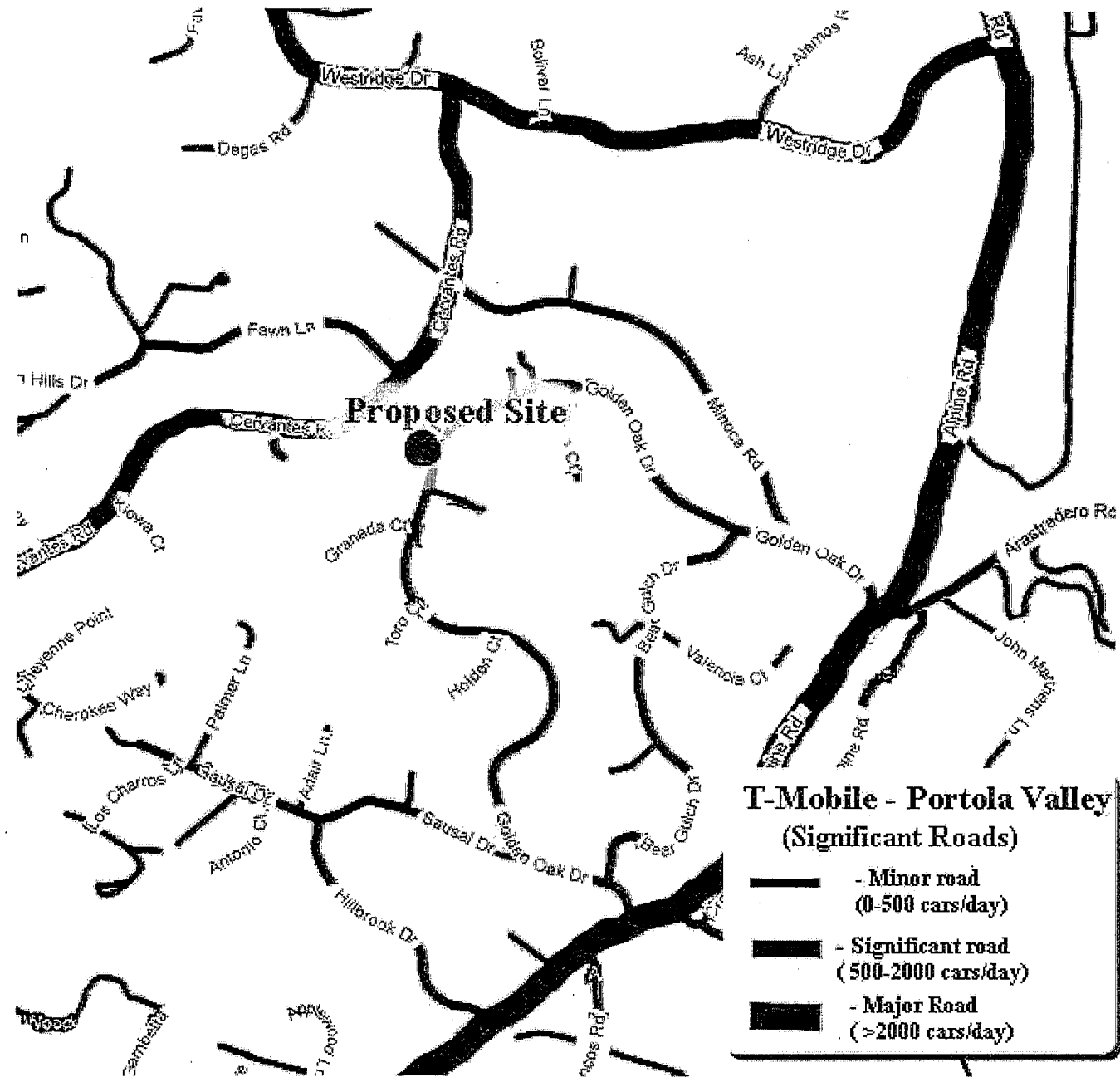


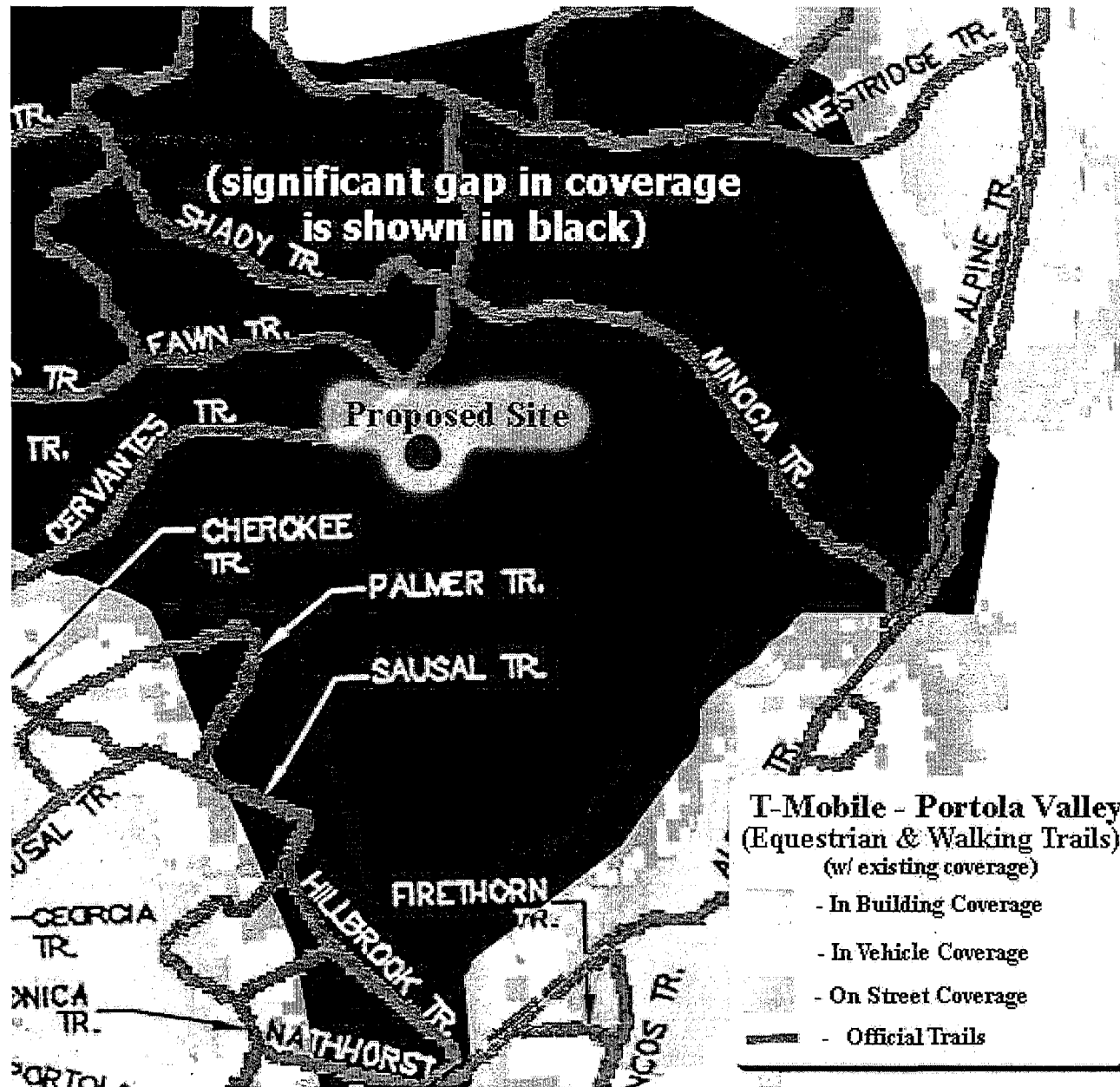
William Daugherty



T-Mobile - Portola Valley
(Existing Coverage)

- In Building Coverage
- In Vehicle Coverage
- On Street Coverage
- Significant Gap in Coverage





Check if T-Mobile coverage is right for you with Personal Coverage Check

Street
Intersection ex: Broadway and W 148th Street

City State Zip



[clear](#)

Voice Coverage | Data Coverage

Prepaid and FlexPay coverage map >

[Learn more about T-Mobile's expanded coverage >](#)

Signal Strength

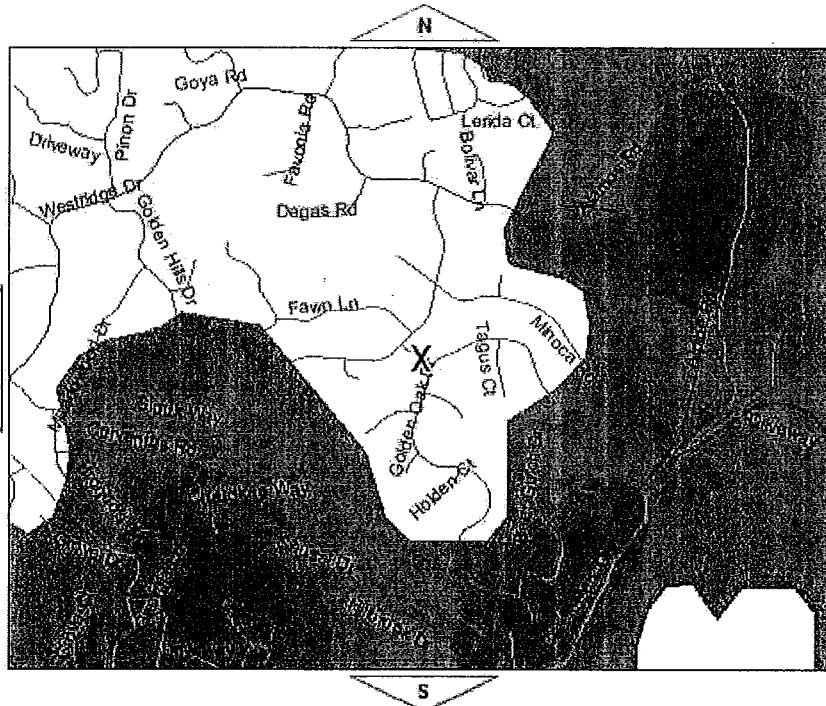


Based on outdoor coverage - indoor and in-car coverage can vary.
[Click here for detailed descriptions](#)

Zoom In

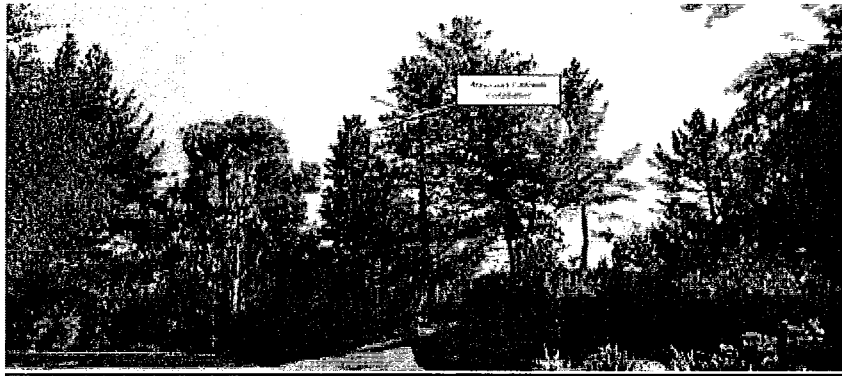


Zoom Out



Please zoom in to see street level coverage details for the areas where you live, work, and play.

T-Mobile West Corporation
Site SF13134G – Golden Oak Water Tank
Portola Valley, California
Alternatives Analysis



September 17, 2010

Objective

The proposed facility, to be located at the California Water Service Company's Golden Oak Tank property, at the corner of Golden Oak Drive and Peak Lane, is designed to provide wireless telecommunications services to the surrounding residential neighborhood and streets. The subject property is located at a high point in an area of undulating terrain. The coverage objective area is developed with single family homes on large parcels.

The proposed facility will provide coverage to an area bounded on the south by Sausal Drive, to the west near the intersection of Golden Hills Drive and Fawn Lane, on the north by Westridge Drive and to the east just past Minoca Road.

Methodology

The area to be served by the proposed facility was identified through testing and modeling, which determined that the existing T-Mobile facilities in the area do not provide sufficient signal strength to allow users the expected level of service. This area of insufficient coverage was evaluated and the subject property identified as the most viable location for a wireless telecommunications facility.

Wireless telecommunications technology is based on line of sight and the undulating terrain in the subject area dictates that a proposed facility must be located at a high point in the terrain to allow the radio signal to propagate over the coverage objective. Wireless communications facilities require a location which has vehicular access with power and telephone connections readily available. Therefore, remote, undeveloped properties are not preferred.

The subject area was evaluated through aerial and satellite imaging with the terrain high points identified. Thereafter, the area was toured with a radio frequency engineer and site acquisition and entitlement specialists to identify viable properties.

Relevant provisions of the Town of Portola Valley's Policy Statement Regarding Wireless Communication Facilities, adopted by the Town Council on February 26, 1997, provide:

- **Section 3-D.** Facility design alternatives may be required.
- **Section 4.** Preference for Non-Residential Property - Wireless communication facilities shall be located on non-residential properties whenever technologically feasible and aesthetically possible.
- **Section 5-G.** Facility should be designed to be unobtrusive and compatible with the surrounding landscape.

Proposed Facility: California Water Service Company — Golden Oak Tank Property

The T-Mobile facility is proposed to be located on the California Water Service Company's Golden Oak Tank property, at the corner of Golden Oak Drive and Peak Lane. This property supports a very large steel water tank (80' diameter x 23.5' tall) and accessory equipment for water distribution. There are no other structures or buildings on this property. There are at least eight (8) conifer trees varying in height from 34' to 83' immediately adjacent to the proposed equipment location and 50' tall antenna support structure. No trees are proposed to be removed. The proposed location on the subject property has a ground elevation of approximately 800' AMSL, which is some of the highest terrain in the area. Extensive documentation has been submitted depicting the coverage to be achieved by the proposed facility. This utility usage property is the only non-residential property in the area and the most appropriate for the proposed location. T-Mobile has a lease in place with California Water Service Company for the proposed facility.

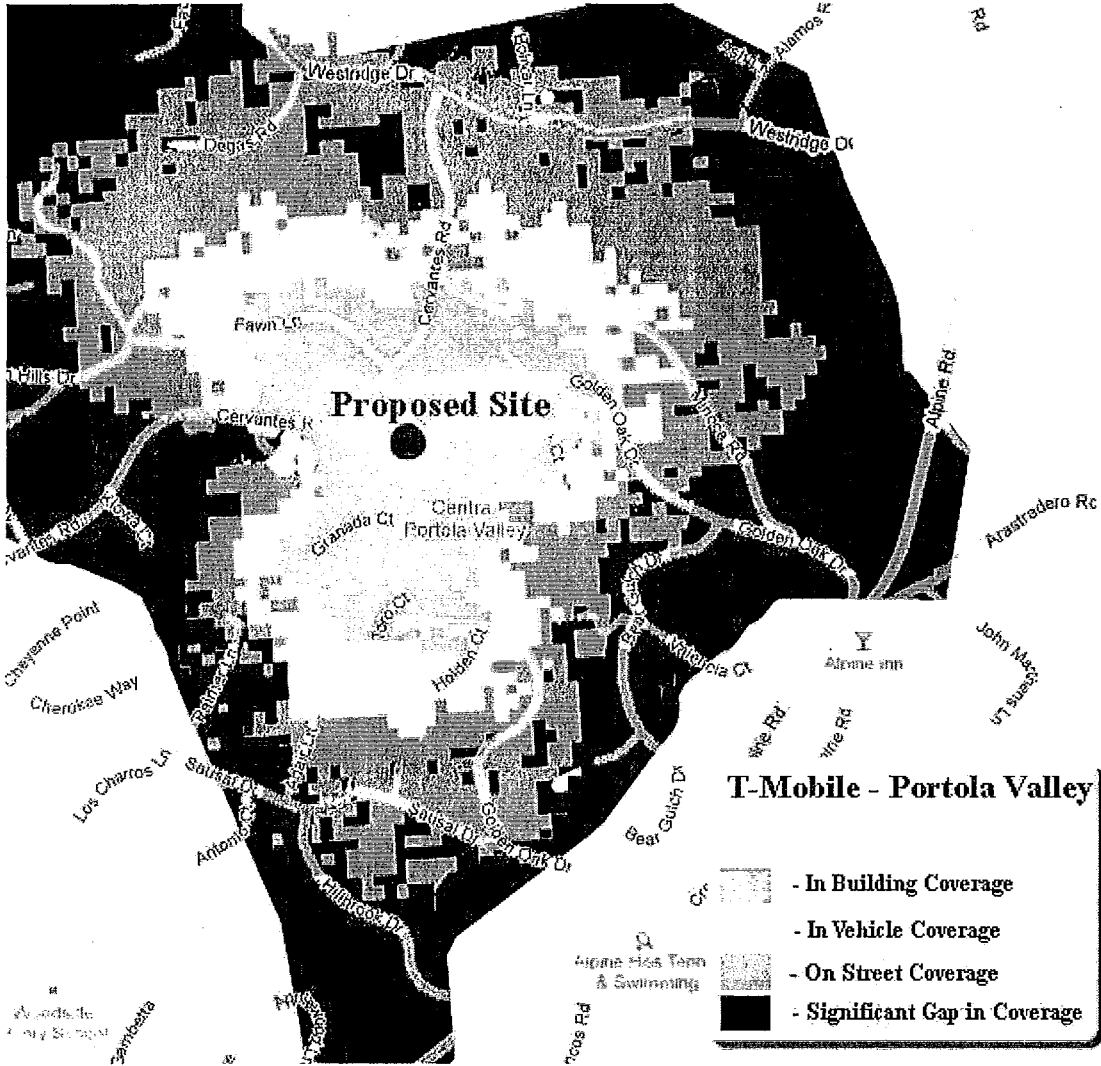
In addition to the foregoing, the proposed facility best complies with the Town's Policy Statement Regarding Wireless Communication Facilities as follows

- In compliance with **Section 3-D**, the proposed facility proposal includes facility design alternatives in the form of a monopine or monopole antenna support structure for the proposed facility.
- In compliance with **Section 4**, Preference for Non-residential Property, the proposed facility is located on the only non-residential use parcel in the coverage objective area.
- In compliance with **Section 5-G**, the proposed facility's camouflage design, landscaping and location within existing trees comply with the requirements to be unobtrusive and compatible with the surrounding landscape, as a monopine antenna support structure is proposed to be located amongst existing trees which are taller than the structure, and the equipment enclosure will be landscaped with native plants. In further compliance with this policy, the proposed facility is not sited on an exposed ridgeline, within an important view shed, along a public trail or within a public park or designated open space.

Based on this compliance with the Policy Statement Regarding Wireless Communication Facilities, the proposed facility constitutes the least intrusive means, based upon the values expressed in the policy, for T-Mobile to fill the identified signal gap.

The coverage provided by the proposed facility is depicted on the following map ("Proposed Facility Coverage"):

Proposed Facility Coverage



Alternative 1: 265 Golden Oak Drive Utility Pole

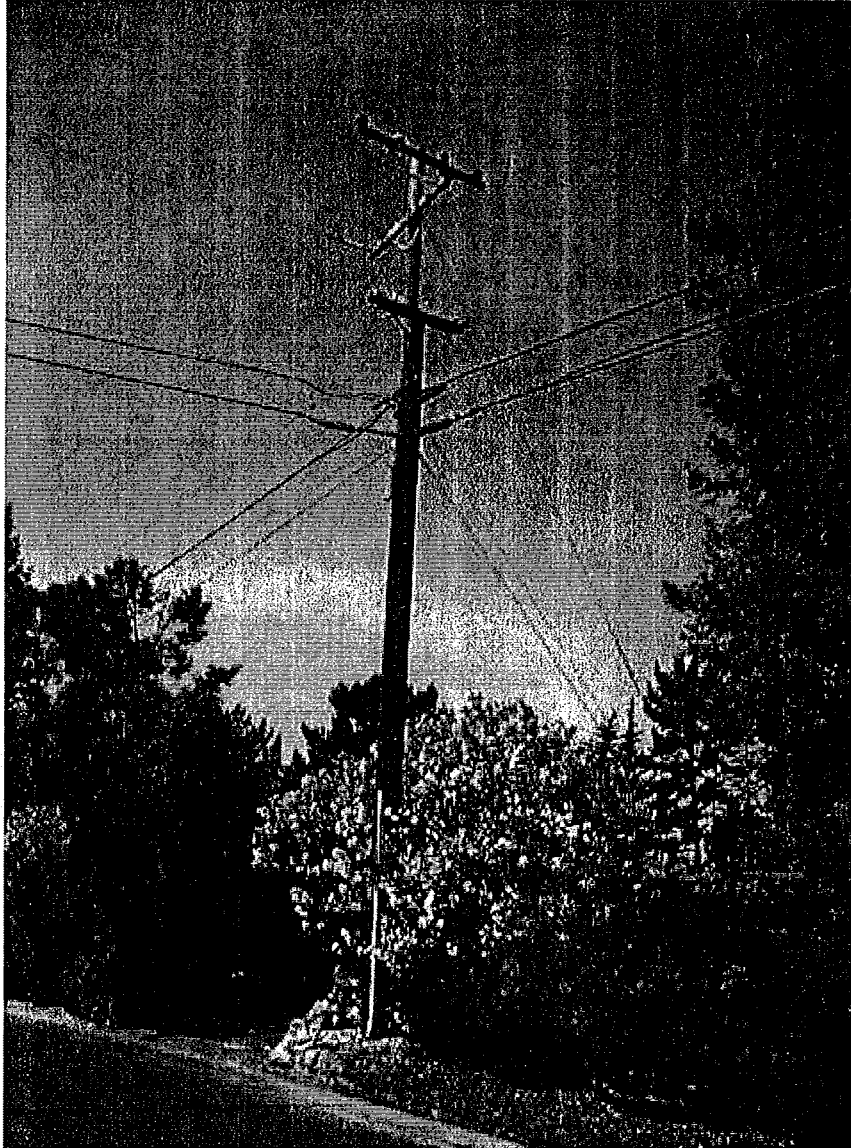
A microcell consists of small equipment cabinets attached to a utility pole with small antennas mounted on top of the utility pole. The equipment cabinets must be attached to the pole as it is infeasible to place them on the ground in the public right of way or on adjacent residential property. Here, there is insufficient space in the right-of-way, which would in any case create a visually intrusive facility (see following photograph). Additionally use of a residential property is discouraged by the Town, and T-Mobile anticipated an unwilling landlord.

A microcell operates at a lower power than the proposed macro site and the antennas must be smaller and would be mounted lower than the proposed site due to the utility pole height limitation. Therefore, a microcell cannot provide coverage equal to a full site.

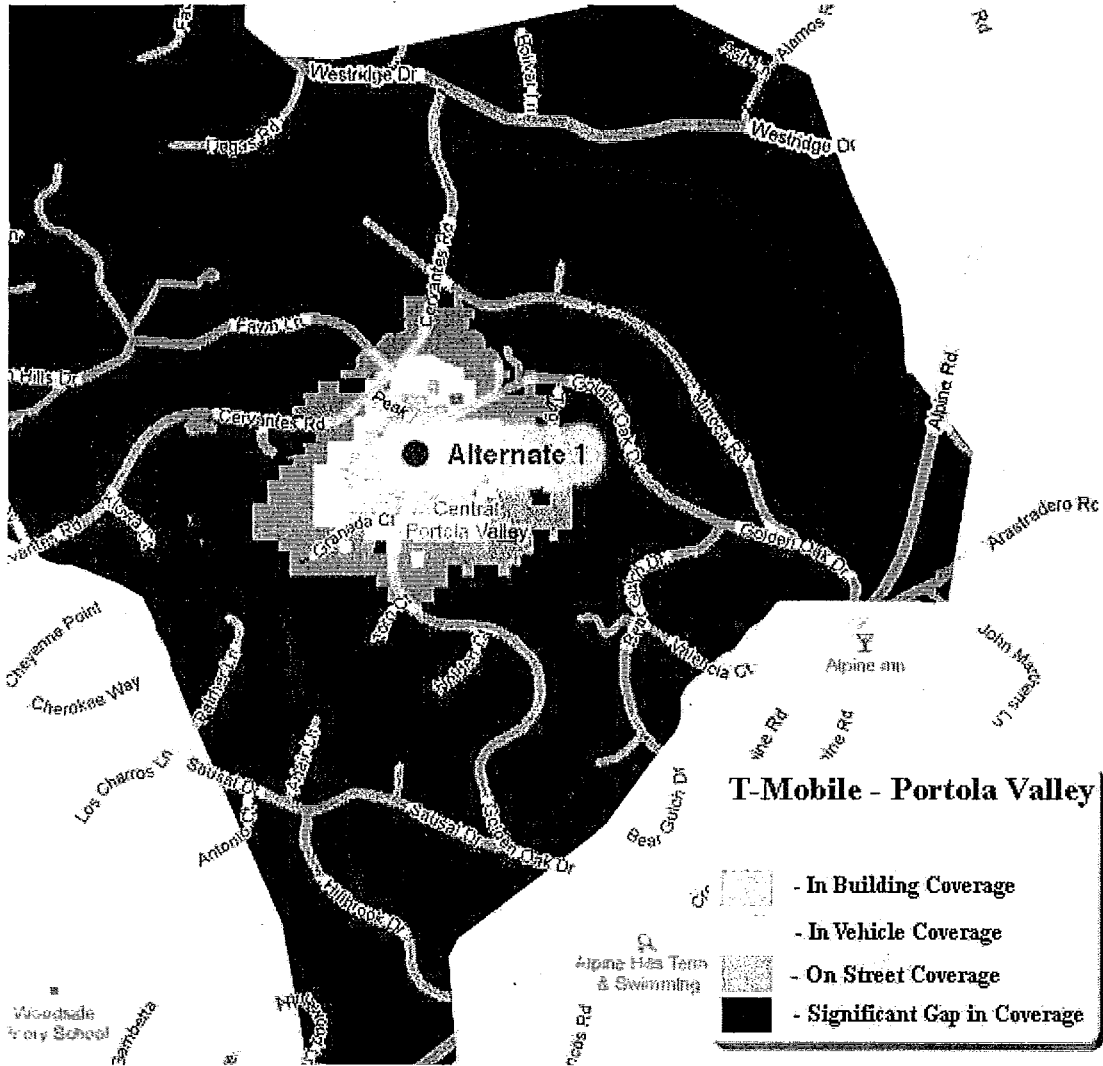
A microcell installation on the utility pole located in front of the residence at 265 Golden Oak Drive was investigated. This utility pole is located directly adjacent to the subject property at a high terrain point. Verification that a microcell facility could be installed on this utility pole was not confirmed. The area which could be covered by this microcell is small and extends a very short distance from the utility pole.

The map on the following page ("*Alternative 1 Coverage*") depicts the coverage that could be provided from a microcell facility installed on this utility pole. When compared to the previous map ("*Proposed Facility Coverage*"), it is apparent that the coverage from the proposed facility is far superior to the coverage possible from Alternative 1. Also, the visual impact of antennas installed on top of the pole and cabinets attached to the pole, without any possible screening, is greater than the proposed facility.

View of Utility Pole at 265 Golden Oak Drive



Alternative 1 Coverage

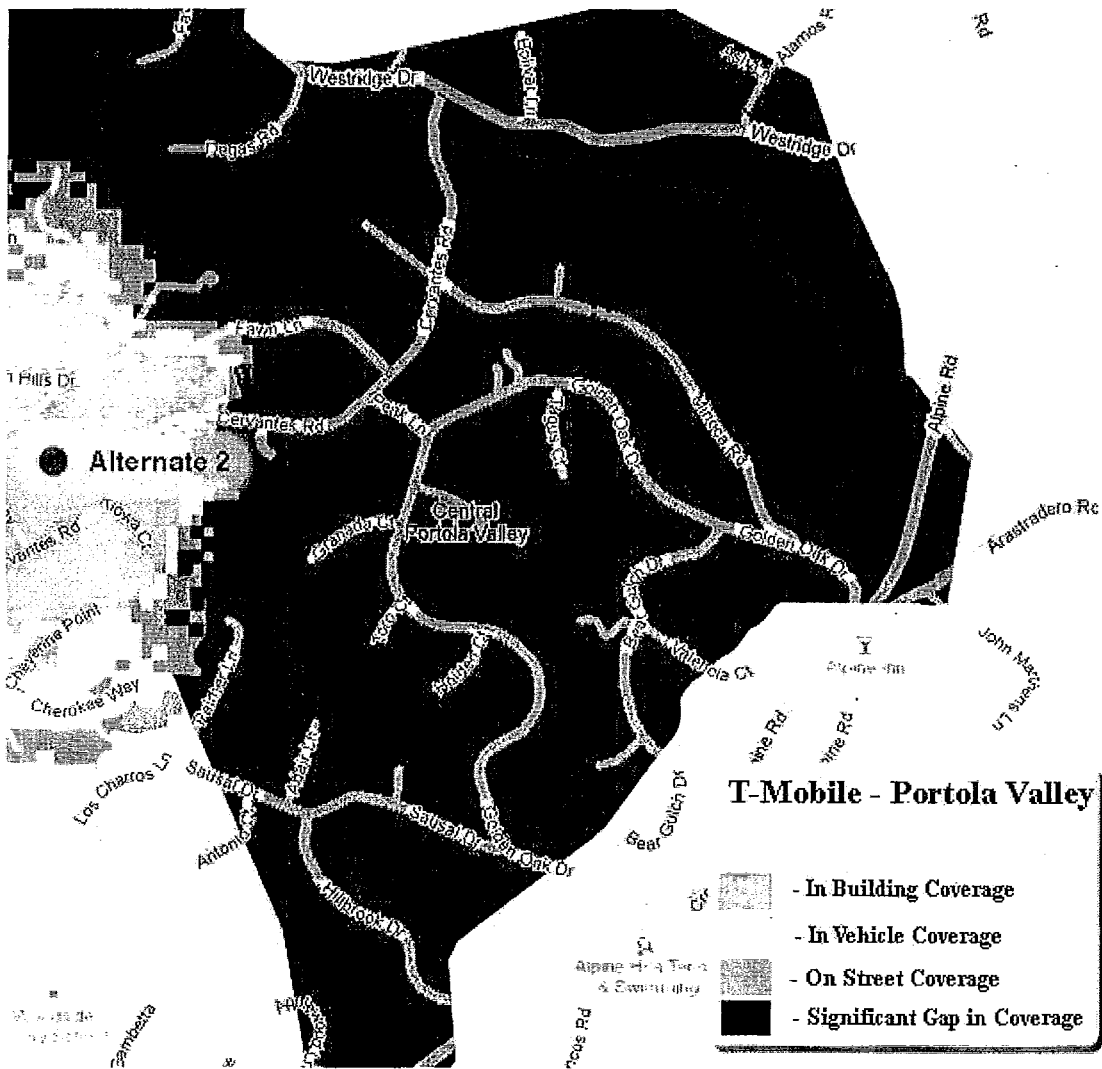


Alternative 2: California Water Service Company — Water Tanks at Sioux Way

A property owned by California Water Service Company supporting water tanks on Sioux Way off of Cervantes Road was investigated. This property is situated at a ground elevation lower than the subject property in a residential area similar to the subject property.

The following map (“Alternative 2 Coverage” depicts the coverage that could be provided from a facility at this location. A facility at Alternative 2 would serve the area west and south of Sioux Way, but would not serve the coverage objective area. In particular this alternative would not cover the areas to the southwest of Golden Oak stretching toward Portola Road.

Alternative 2 Coverage

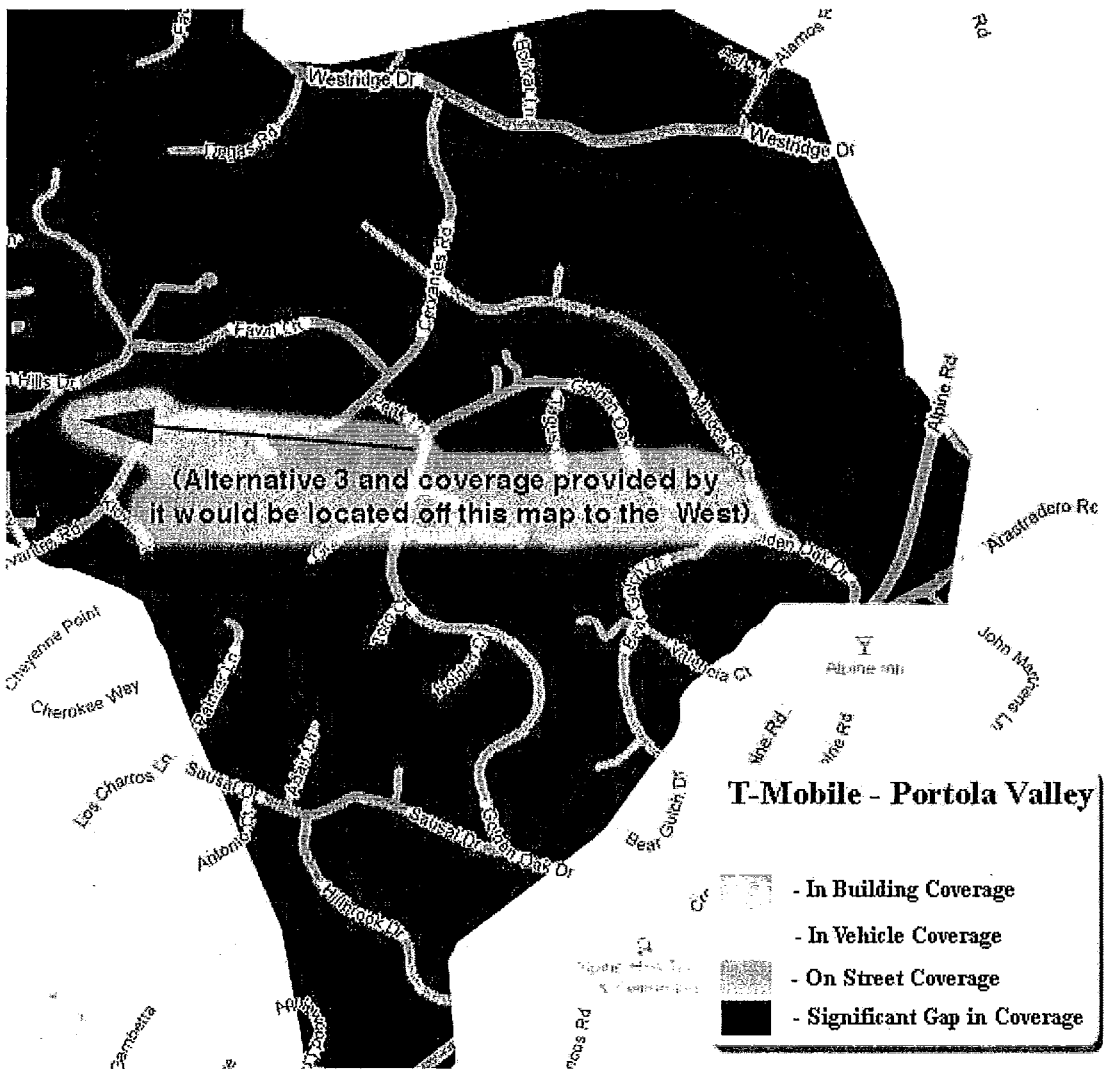


Alternative 3: Western Hills

It was recommended by some neighbors and town representatives that a facility in the western hills be investigated.

The following map ("Alternative 3 Coverage") depicts the coverage that could be provided from a facility in the hills west of town. Due to the line of sight technology and undulating terrain in the area, this image clearly depicts that coverage from a facility in the western hills cannot provide service to the subject coverage area.

Alternative 3 Coverage



Alternative 4: Multiple Microcell Facilities on JPA Utility Poles

An analysis was prepared and submitted previously for the utilization of microcells mounted on JPA utility poles. See Alternative 1 discussion for microcell limitations. The area covered by a microcell mounted on a utility pole is very small and in some cases only extends several hundred feet from the utility pole. It was determined that even eight (8) microcells mounted on separate utility poles would not provide coverage to the objective area. This was confirmed by the third party engineering firm, RCC Consultants.¹ The multiple microcell solution provides little to no in-building coverage compared to the subject facility and is not a viable solution as the equipment and antenna height limitations cannot provide a robust signal allowing consistent in-vehicle coverage throughout the subject area.

There are many streets in Portola Valley where the utilities have been undergrounded and there are no utility poles on these streets to support such facilities.

¹ See Wireless Facility Engineering Review pertaining to this site by Dieter J. Preiser, PMP of RCC Consultants, dated July 1, 2010, page 7. "RCC finds that the RF coverage of the microcell design is not as effective as with the single site design using a monopole or monopine antenna mounting structure. The microcell design presented leaves large gaps in in-building coverage and, in some cases, even lack of in-vehicle coverage in parts of the target area. This is primarily due to the relatively low power output of the micro base station and limitations in potential antenna heights."

Conclusion

The radio frequency engineering data submitted, and confirmed by the third party engineering firm, RCC Consultants, clearly substantiates that wireless communication technology requires facilities to be located near their coverage objective area with a clear line of sight over the area. It is not possible to locate facilities outside of the town in the western hills or to the north to serve the subject residential area due to the undulating terrain.

Microcell installations on utility poles are limited to roads with existing poles that can support the equipment and can only provide coverage to a very small area. A microcell is typically deployed to cover a specific section of roadway, as substantiated by the existing microcell installations along Portola and Alpine Roads.

There are no commercial properties or existing communication facilities in the subject area which could support the proposed facility. The subject water tank property is the only non-residential use property in the proposed coverage area.

The proposed facility is the least intrusive means to provide coverage to the subject area based upon the values expressed in the Town's Policy Statement Regarding Wireless Communication Facilities. The proposed monopine antenna support structure, located amongst existing taller trees, with the equipment compound landscaped and additional tree plantings allows the facility to be compatible with the surrounding environment and is in accord with the Town's ordinance and guidelines.

Town of Portola Valley
PROPOSED MITIGATED NEGATIVE DECLARATION
CONDITIONAL USE PERMIT X7D-170
T-MOBILE WEST CORPORATION
April 1, 2010

A notice pursuant to the California Environmental Quality Act of 1970, as amended (Public Resources Code 21,000 et seq.) that the following project:

The proposed CUP X7D-170 when implemented pursuant to the mitigations/conditions set forth in the staff report dated April 1, 2010 will not have a significant impact on the environment.

File Number: CUP X7D-170, T-Mobile West Corporation

Owner: T-Mobile West Corporation owns the wireless facilities and the parcel is owned by California Water Service Company

Applicant: T-Mobile West Corporation, Concord, California

Assessor's Parcel Number: APN: 079-092-350

Project Description and Location:

The project is located on a 1.3-acre parcel immediately west of the intersection of Peak Lane and Golden Oak Drive in the town of Portola Valley, California. The site currently contains utility facilities of the California Water Service Company.

The conditional use permit (CUP) application is to permit installation and operation of an unmanned wireless telecommunication facility on the subject 1.3-acre California Water Service Company property. The facility would consist of one 50 to 60 foot tall monopine "Tree" pole antenna capable of accommodating up to three wireless carriers. It would also include ground-mounted equipment in a 15 ft. by 15 ft., fenced, secure enclosure. Telephone and electrical service would be extended to the wireless facility by an underground trench located in the existing access drive at the site. No grading or vegetation removal is needed for the project, except for the small excavation for installation of the foundation for the monopine. Further, access for maintenance would be achieved by the existing service drive that provides access to the site's 750,000-gallon water tank.

The proposal is more fully described in the March 16, 2010 application package prepared by T-Mobile and its professional design team. In addition, the project as refined through the town of Portola Valleys project review process is described and evaluated in the April 1, 2010 staff report, with attachments, to the planning commission on the CUP application. The 3/16/10 application package and April 1, 2010 staff report are incorporated herein by reference.

The subject parcel is, for the most part, relatively level and contains a 750,000-gallon water tank and support equipment. The water tank provides water to surrounding properties and uses in Portola Valley. The site is bordered on two sides by public roads and has common boundaries with two residentially developed parcels, each just over one acre in size. The parcels across the public streets from the site are also residentially developed.

The site is bordered by taller and older pine, redwood and other trees and shrubs. Many of the trees are in poor to fair conditions. Soil/slope conditions on the property are designated Sbr,

stable bedrock on the town's map of land movement potential. Except for the water tank and some minor driveway gate and side property line fencing, the property is an open area in the neighborhood.

Copies of the above referenced project plans and materials and staff report are available for reference and consideration at Portola Valley Town Hall, 765 Portola Road.

Findings and Basis for a Mitigated Negative Declaration:

Town staff has prepared the April 1, 2010 initial study for the project and, based upon substantial evidence in the record, as set forth in the April 1, 2010 staff report and documents referenced in the staff report, finds that:

1. The project will not adversely impact scenic resources, the existing visual character of the site and its surroundings, or other site and area aesthetic qualities;
2. The project will not have adverse impacts on agricultural resources;
3. The project will not adversely affect water or air quality, or increase noise levels substantially;
4. The project will not have adverse impacts on the biological resources of the area;
5. The project will not adversely expose people or structures to geologic hazards, result in substantial soil erosion or otherwise cause adverse impacts associated with soils and geologic conditions;
6. The project will not have adverse impacts associated with any hazard or hazardous materials;
7. The project will not have adverse impacts on traffic, land use, mineral resources, public services, recreation, or utilities and service systems;
8. In addition, the project will not:
 - a. Create impacts which have the potential to degrade the quality of the environment.
 - b. Create impacts for a project which are individually limited, but cumulatively considerable.
 - c. Create environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

The Town of Portola Valley has, therefore, determined that the environmental impact of the project less than significant with the implementation of the conditions and mitigation measures set forth in the April 1, 2010 staff report. It is further noted, that a number of matters relative to review of the proposal are preempted by Federal Communication Commission (FCC) standards and regulations.

The following responsible agencies were consulted when preparing the initial study:

Town of Portola Valley.

Initial Study

Town staff has reviewed the environmental evaluation of this project in the April 1, 2010 Initial Study and has found that the probable environmental impacts are insignificant with implementation of the measures set forth in the April 1, 2010 staff report, incorporated here by reference.



Tom Vlasic
Deputy Town Planner
Town of Portola Valley

April 1, 2010
Date

Town of Portola Valley
Initial Study: Environmental Evaluation Checklist
CONDITIONAL USE PERMIT X7D-170
T-MOBILE WEST CORPORATION
April 1, 2010

I. Background

Project title:

Conditional Use Permit X7D-170, T-Mobile West Corporation

Lead agency name and address:

Town of Portola Valley, 765 Portola Road, Portola Valley California 94028

Contact person:

Leslie Lambert, Planning Manager

Phone number: 650-851-1700 ext. 212

Project location:

1.3 acre parcel, immediately west of the intersection of Peak Lane and Golden Oak Drive, Portola Valley, California 94028 (Assessor's Parcels 076-340-110, owned by California Water Service Company)

Project sponsor's name and address:

T-Mobile West Corporation, 1855 Gateway Blvd., Suite 900
Concord, Ca. 94520 (925-521-5500)

General plan designation: Low Density Residential

Zoning:

R-E/1A/SD-SD-1A

Description of project (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support or off-site features necessary for its implementation. Attach additional sheets if necessary.):

The conditional use permit (CUP) application is to permit installation and operation of an unmanned wireless telecommunication facility on the subject 1.3-acre California Water Service Company property. The facility would consist of one 50 to 60 foot tall monopine "Tree" pole antenna capable of accommodating up to three wireless carriers. It would also include ground-mounted equipment in a 15 ft. by 15 ft., fenced, secure enclosure. Telephone and electrical service would be extended to the wireless facility by an underground trench located in the existing access drive at the site. No grading or vegetation removal is needed for the project, except for the small excavation for installation of the foundation for the monopine. Further, access for maintenance would be achieved by the existing service drive that provides access to the site's 750,000-gallon water tank.

The proposal is more fully described in the March 16, 2010 application package prepared by T-Mobile and its professional design team. In addition, the project as refined through the town of Portola Valleys project review process is described and evaluated in the April 1, 2010 staff report, with attachments, to the planning commission on the CUP application. The 3/16/10 application package and April 1, 2010 staff report are incorporated herein by reference.

Surrounding land uses and setting (Briefly describe the project's surroundings.):

The subject parcel is, for the most part, relatively level and contains a 750,000-gallon water tank and support equipment. The water tank provides water to surrounding properties and uses in Portola Valley. The site is bordered on two sides by public roads and has common boundaries with two residentially developed parcels, each just over one acre in size. The parcels across the public streets from the site are also residentially developed.

The site is bordered by taller and older pine, redwood and other trees and shrubs. Many of the trees are in poor to fair conditions. Soil/slope conditions on the property are designated Sbr, stable bedrock on the town's map of land movement potential. Except for the water tank and some minor driveway gate and side property line fencing, the property is an open area in the neighborhood.

Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):

The facility would be regulated by Federal Communication Commission (FCC) Standards and operating permits. In particular, the FCC preempts local consideration of health related issues for such facilities and primarily limits local evaluation to aesthetic issues and matters of safety from potential hazards.

II. Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by this project, as indicated by the checklist on the following pages.

<input checked="" type="checkbox"/> Aesthetics	<input type="checkbox"/> Mineral Resources
<input type="checkbox"/> Agricultural Resources	<input checked="" type="checkbox"/> Noise
<input type="checkbox"/> Air Quality	<input type="checkbox"/> Population/Housing
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Public Services
<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Recreation
<input type="checkbox"/> Geology/Soils	<input type="checkbox"/> Transportation/Traffic
<input type="checkbox"/> Hazards and Hazardous Materials	<input type="checkbox"/> Utilities/Service Systems
<input type="checkbox"/> Hydrology/Water Quality	<input type="checkbox"/> Mandatory Findings of Significance
<input type="checkbox"/> Land Use/Planning	

III. Determination (To be completed by the Lead Agency)

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared pursuant to Section 15162(b) of the California Public Resources Code.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect

- 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and
- 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets.

An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects

- 1) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and
- 2) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION including revisions or mitigation measures that are imposed upon the proposed project,

nothing further is required.



Tom Vlasic
Signature

Deputy Town Planner
Title

April 1, 2010
Date

Town of Portola Valley

Initial Study: Environmental Evaluation Checklist Attachment

Evaluation of Environmental Impacts:

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applied where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c)(3)(D): In this case, a brief discussion should identify the following.
 - a. Earlier Analysis Used. Identify and state where they are available for review.
 - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measured based on earlier analyses.
 - c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources. A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
 - a. the significant criteria or threshold, if any, used to evaluate each question; and
 - b. the mitigation measure identified, if any, to reduce the impact to less than significance.

(NOTE: Following Pages 6 and 7 are blank)

Town of Portola Valley
Initial Study: Environmental Evaluation Checklist Attachment
CONDITIONAL USE PERMIT X7D-170
T-MOBILE WEST CORPORATION
April 1, 2010

No.	Environmental Topic	Level of Impact				Source
		Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	
1.	AESTHETICS Would the project:					
1a.	Have a substantial adverse effect on a scenic vista?			X		44, 46
1b.	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a scenic highway?				X	10, 19, 33, 46
1c.	Substantially degrade the existing visual character or quality of the site and its surroundings?			X		33, 44, 46
1d.	Create a new source of substantial light or glare which would affect day or nighttime views in the area?				X	10, 44, 46
2.	AGRICULTURAL RESOURCES In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:					
2a.	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non agricultural use?				X	5, 6, 10, 19
2b.	Conflict with exiting zoning for agricultural use, or a Williamson Act contract?				X	10, 18, 19
2c.	Involve other changes in the					

No.	Environmental Topic	Level of Impact				Source
		Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	
	existing environment which, due to their location or nature, could result in conversion of Farmland, to nonagricultural use?				X	10, 11, 19
3.	AIR QUALITY Where available, the significant criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:					
3a.	Conflict with or obstruct implementation of the applicable air quality plan?				X	10, 42, 44
3b.	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				X	10, 42, 44
3c.	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				X	10, 42, 44
3d.	Expose sensitive receptors to substantial pollutant concentrations?				X	10, 42, 44
3e.	Create objectionable odors affecting a substantial number of people?				X	10, 19, 44, 46
4.	BIOLOGICAL RESOURCES Would the project:					
4a.	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X	10, 19, 46
4b.	Have a substantial adverse					

No.	Environmental Topic	Level of Impact				Source
		Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	
	effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?				X	10, 19
4c.	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X	10, 19
4d.	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X	10, 19
4e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X	10, 19, 46
4f.	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X	10, 19, 46
5.	CULTURAL RESOURCES Would the project:					
5a.	Cause a substantial adverse change in the significance of a historical resource as defined in '15064.5?				X	10, 12, 19
5b.	Cause a substantial adverse change in the significance of an archaeological resource				X	10, 12, 19

No.	Environmental Topic	Level of Impact				Source
		Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	
	pursuant to '15064.5?					
5c.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X	10, 12, 19
5d.	Disturb any human remains, including those interred outside of formal cemeteries?				X	10, 12, 19
6.	GEOLOGY AND SOILS Would the project:					
6a.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				X	6, 7, 44, 46
i.	Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X	6, 7, 44, 46
ii.	Strong seismic ground shaking?				X	6, 7, 44, 46
iii.	Seismic-related ground failure, including liquefaction?				X	6, 7, 44, 46
iv.	Landslides?				X	6, 7, 44, 46
6b.	Result in substantial soil erosion or the loss of topsoil?				X	6, 7, 44, 46
6c.	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X	6, 7, 44, 46
6d.	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X	5, 6, 7, 10, 44, 46
6e.	Have soils incapable of adequately supporting the use					

No.	Environmental Topic	Level of Impact				Source
		Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	
	of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X	6, 7, 10, 44,46
7.	HAZARDS AND HAZARDOUS MATERIALS Would the project:					
7a.	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X	42, 44, 46
7b.	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X	42, 44, 46
7c.	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X	10, 42, 44, 46
7d.	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X	10, 11, 42, 46
7e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X	10, 11
7f.	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X	10, 11

No.	Environmental Topic	Level of Impact				Source
		Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	
7g.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X	10, 11, 46
7h.	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X	10, 11, 44, 46
8.	HYDROLOGY AND WATER QUALITY Would the project:					
8a.	Violate any water quality standards or waste discharge requirements?				X	10, 19, 44, 46
8b.	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X	10, 19, 44, 46
8c.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				X	9, 10, 19, 44, 46
8d.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of				X	9, 10, 19, 46

No.	Environmental Topic	Level of Impact				Source
		Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	
	surface runoff in a manner which would result in flooding on- or off-site?					
8e.	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				X	9, 10, 46
8f.	Otherwise substantially degrade water quality?				X	10, 19, 46
8g.	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X	8, 9, 10, 19, 46
8h.	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X	8, 9, 10, 19, 46
8i.	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X	8, 9, 10, 19
8j.	Inundation by seiche, tsunami, or mudflow?				X	6, 8, 9, 10
9.	LAND USE AND PLANNING Would the project:					
9a.	Physically divide the physical community?				X	10, 44, 46
9b.	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X	10, 19, 44, 46
9c.	Conflict with any applicable habitat conservation plan or					

No.	Environmental Topic	Level of Impact				Source
		Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	
	natural community conservation plan?				X	10, 19, 46
10.	MINERAL RESOURCES Would the project:					
10a.	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X	5, 19, 46
10b.	Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X	5, 10, 19
11.	NOISE Would the project result in:					
11a.	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?					10, 44, 46
11b.	Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				X	10, 44, 46
11c.	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X	10, 44, 46
11d.	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				X	10, 44, 46
11e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X	10, 11

No.	Environmental Topic	Level of Impact				Source
		Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	
11f.	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X	10, 11
12.	POPULATION AND HOUSING Would the project:					
12a.	Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X	10, 11, 46
12b.	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X	10, 11, 46
12c.	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X	10, 11, 46
13.	PUBLIC SERVICES Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
13a.	Fire protection?				X	10, 17, 44, 46
13b.	Police protection?				X	10, 19, 44
13c.	Schools?				X	10, 19, 44
13d.	Parks?				X	10, 19, 44
13e.	Other public facilities?				X	10, 19, 44
14.	RECREATION					
14a.	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X	10, 11, 46
14b.	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical				X	10, 11, 46

No.	Environmental Topic	Level of Impact				Source
		Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	
	effect on the environment?					
15.	TRANSPORTATION/TRAFFIC Would the project:					
15a.	Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?				X	10, 11, 44, 46
15b.	Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				X	10, 11, 44, 46
15c.	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X	10, 11, 44, 46
15d.	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X	10, 11, 44, 46
15e.	Result in inadequate emergency access?				X	10, 11, 44, 46
15f.	Result in inadequate parking capacity?				X	10, 11, 44, 46
15g.	Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X	10, 11, 44, 46
16.	UTILITIES AND SERVICE SYSTEMS Would the project:					
16a.	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X	10, 11, 44, 46
16b.	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing				X	10, 11, 44, 46

No.	Environmental Topic	Level of Impact				Source
		Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	
	facilities, the construction of which could cause significant environmental effects?					
16c.	Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X	9, 10, 11, 44, 46
16d.	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X	10, 11, 44, 46
16e.	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X	10, 11, 44, 46
16f.	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X	10, 44, 46
16g.	Comply with federal, state, and local statutes and regulations related to solid waste?				X	10, 44, 46
17.	MANDATORY FINDINGS OF SIGNIFICANCE					
17a.	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or				X	10, 12, 19, 44, 46

No.	Environmental Topic	Level of Impact				Source
		Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	
	prehistory?					
17b.	Does the project have impacts that are individually limited, but cumulatively considerable ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				X	10, 19, 44, 46
17c.	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X	10, 19, 44, 46

Sources

- | | |
|--|--|
| 1. Town Base Map, 1996, as updated | 24. Building Inspector |
| 2. USGS Maps, 1973 | 25. Health Officer |
| 3. Aerial photos: 1992, 1991, 1980, 1970, 1968, 1965 | 26. Town Historian |
| 4. Slope Map, 1972 | 27. Stable Inspector |
| 5. Soils Map, 1970 | 28. Town Police Commissioner |
| 6. Geologic Map, 1975, as updated | 29. San Mateo County Sheriff |
| 7. Movement Potential of Undisturbed Land Map, 1975 as updated | 30. Woodside Fire Protection District |
| 8. Flood Hazard Boundary Map, 1979 | 31. West Bay Sanitary District |
| 9. Master Storm Drainage Report, 1970 | 32. Mosquito Abatement District |
| 10. General Plan, amended June 12, 1996 | 33. Architectural and Site Control Commission March 22, 2010 minutes |
| 11. Comprehensive Plan Diagram, amended June 12, 1996 | 34. Cable TV Committee |
| 12. Historic Element Diagram, adopted December 19, 1994 | 35. Conservation Committee |
| 13. Trails and Paths Diagram, amended October 13, 1982 | 36. Emergency Preparedness Committee |

- | | |
|--|--|
| 14. Nathhorst Triangle Area Plan, amended December 9, 1992 | 37. Finance Committee |
| 15. Alpine Parkway Diagram, amended May 28, 1980 | 38. Geologic Safety Committee |
| 16. Village Square Area Diagram, adopted December 9, 1992 | 39. Historic Resources Committee |
| 17. Fire Hazards Map, adopted August 13, 1975 | 40. Parks and Recreation Committee |
| 18. Zoning Map, current | 41. Public Works Committee |
| 19. Sensitive Biological Resources Portola Valley, TRA
Environmental Sciences, May 2008 | 42. FCC wireless facilities preemption |
| 20. Public Works Director | 43. Trails Subcommittee |
| 21. Town Traffic Engineer | 44. March 16, 2010 T-Mobile Application
with supporting technical studies on
noise, tree conditions, RF emissions
and alternative design analyses |
| 22. Town Geologist project review | 45. Site Development and Tree Protection
Ordinance |
| 23. Town Attorney | 46. April 1, 2010 Town Planner report
with project evaluation and list of
project CUP conditions |

Explanation of Items Checked "Less Than Significant Impact"

The aesthetic and noise matters checked as "less than significant" are considered so based on the evaluations presented in the April 1, 2010 staff report and the attachments to the report. Further, the applicant's March 16, 2010 application package includes an acoustical analysis of the facility that demonstrates how it would be constructed to conform to town noise ordinance standards. The conditions set forth in the April 1, 2010 staff report address aesthetic requirements and noise ordinance compliance and constitute the mitigation measures to ensure the project would result in less than significant impacts.

Town of Portola Valley
Notice of Intent to Adopt a Mitigated Negative Declaration

(Prepared Pursuant to Section 15162(b) of the California Public Resources Code)

A notice, pursuant to the California Environmental Quality Act of 1970, as amended (Public Resources Code 21,000 et sec.) that the following project, with implementation of specific mitigation measures will not have a significant effect on the environment.

Project Title: Conditional Use Permit X7D-170, T-Mobile West Corporation

Contact Person: Leslie Lambert, Planning Manager Phone Number: 650-851-1700, Ext. 212

Project Location: 1.3 acre parcel immediately west of the intersection of Peak Lane and Golden Oak Drive, Town of Portola Valley, i.e., assessors parcel 079-092-350

Project Description:

The conditional use permit (CUP) application is to permit installation and operation of an unmanned wireless telecommunication facility on the subject 1.3-acre California Water Service Company property. The facility would consist of one 50 to 60 foot tall monopine "Tree" pole antenna capable of accommodating up to three wireless carriers. It would also include ground-mounted equipment in a 15 ft. by 15 ft., fenced, secure enclosure. Telephone and electrical service would be extended to the wireless facility by an underground trench located in the existing access drive at the site. No grading or vegetation removal is needed for the project, except for the small excavation for installation of the foundation for the monopine. Further, access for maintenance would be achieved by the existing service drive that provides access to the site's 750,000-gallon water tank.

The proposal is more fully described in the March 16, 2010 application package prepared by T-Mobile and its professional design team. In addition, the project as refined through the town of Portola Valleys project review process is described and evaluated in the April 1, 2010 staff report, with attachments, to the planning commission on the CUP application. The 3/16/10 application package and April 1, 2010 staff report are incorporated herein by reference.

The subject parcel is, for the most part, relatively level and contains a 750,000-gallon water tank and support equipment. The water tank provides water to surrounding properties and uses in Portola Valley. The site is bordered on two sides by public roads and has common boundaries with two residentially developed parcels, each just over one acre in size. The parcels across the public streets from the site are also residentially developed.

The site is bordered by taller and older pine, redwood and other trees and shrubs. Many of the trees are in poor to fair conditions. Soil/slope conditions on the property are designated Sbr, stable bedrock on the town's map of land movement potential. Except for the water tank and some minor driveway gate and side property line fencing, the property is an open area in the neighborhood.

Purpose of Notice:

The purpose of this notice is to inform you that a negative declaration has been recommended for this project. Approval of a Mitigated Negative Declaration does not constitute approval of the project under consideration. The decision to approve or deny the project is a separate action. The proposed mitigated negative declaration was prepared pursuant to Section 15162.(b) of the public

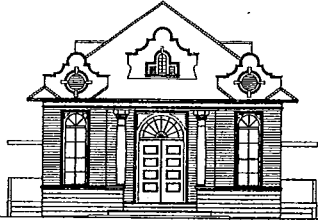
resources code of California.

Address where document may be reviewed: Planning Department, Portola Valley Town
Hall, 765 Portola Road, Portola Valley, California

Public Review Period: Begins April 1, 2010 Ends: April 20, 2010
Please submit any written comments on the Draft Negative Declaration to the Town of Portola Valley
by 5:00 p.m., Tuesday, April 20, 2010.

Scheduled Public Hearings (date, time, place), if known:

A public hearing on the proposed project is scheduled before the Portola Valley Planning Commission for 7:30 p.m. on Wednesday, April 7, 2010. The public hearing will take place at the Portola Valley Town Hall Council Chambers Located in the Historic School House, 765 Portola Road, Portola Valley. It will be continued to the April 21, 2010 commission meeting for final action on the Mitigated Negative Declaration.



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Mayor and Members of the Town Council

FROM: Leslie Lambert, Planning Manager

DATE: October 7, 2010

RE: T-Mobile Community Correspondence

Attached please find correspondence received relative to the T-Mobile Wireless Communication Antenna. Correspondence was received via hand delivered to Town Hall, email to Town Clerk and Town Center and PV Forum postings addressed to the Town Council. This summary does not include PV Forum postings that were not specifically addressed to the Town Council.

Carol Sontag	Golden Oak Drive	July 6, 2010
Susan Brown	Westridge Drive	July 6, 2010
Whitney Miller	Corte Madera Road	July 6, 2010
Phil Barth	Wayside Road	July 7, 2010
Virginia Bacon	Golden Oak Drive	July 7, 2010
William Kunz	Golden Oak Drive	July 7, 2010
Jeanne Kunz w/Petition	Golden Oak Drive	July 7, 2010
Ajit Shah	Crescent Avenue	September 18, 2010
Ted Lamb	Bear Gulch Drive	September 20, 2010
Alice Schenk	Westridge Drive	September 21, 2010
Matt Miller		September 21, 2010
Diane Vedder	Golden Oak Drive	September 23, 2010
Susan Brown	Westridge Drive	September 24, 2010
Diane Vedder	Golden Oak Drive	September 24, 2010
John & Diane Vedder	Golden Oak Drive	September 27, 2010
Carol & Mark Sontag	Golden Oak Drive	September 28, 2010
M. Kenneth Lavine	Golden Oak Drive	September 28, 2010
Stephen Hansen	Golden Oak Drive	September 29, 2010
Max Paley & Greg Corrales	Golden Oak Drive	September 29, 2010
Janet Baumgartner	Golden Oak Drive	September 30, 2010
Brad Peyton	Brookside Drive	September 30, 2010
Janet Lorenzen	Cordova Court	September 30, 2010

Virginia Bacon	Golden Oak Drive	September 30, 2010
Robert Nebrig	Granada Court	September 30, 2010
Gene Chaput	Alamos Road	October 1, 2010
Carol Kornfeld	Wintercreek	October 1, 2010
Gary Fanton	Golden Oak Drive	October 1, 2010
The Margolins	Willowbrook Drive	October 1, 2010
Amy Gurley	Georgia Lane	October 1, 2010
Marty Tenenbaum	Alhambra Court	October 1, 2010
Curt Engelhard		October 1, 2010
Carol E.		October 1, 2010
Bill & Mary Kelly	Peak Lane	October 3, 2010
Jeanne Kunz	Golden Oak Drive	October 5, 2010
Joint Venture Silicon Valley		October 7, 2010

From: Carol Sontag [carolsontag@sbcglobal.net]
Sent: Tuesday, July 06, 2010 11:52 AM
To: Leslie Lambert
Subject: A Letter in Opposition of the Cell Tower at Peak and Golden Oak Dr.

thank you for also forwarding this as well. I sent a copy to the Town Council members but do not have the planning commissioners email addresses.

Carol

Dear Portola Valley Town Council Members and Planning Commissioners,

We are writing to urge you to do all that is possible to seek an alternative location for the T-Mobile Cell Tower that is proposed for the Cal Water site on Golden Oak and Peak Lane. The site has various problems associated with it and does not meet the criteria set forth by the town of Portola Valley to preserve the natural and scenic nature of our beautiful location.

The site is too close to residences and would pose a negative impact on homeowners in the direct area. We have already tolerated the removal of small wooden water tanks with the replacement of a massive metal tank which Cal Water does a poor job of screening and maintaining the trees and scrubs surrounding. If Cal Water is unable to keep dead trees off of power and telephone lines (ie. Cal Water has been notified of tree leaning against telephone wires since Dec 2009 and has done nothing to remove it) then how would they be able to conceal a 60 foot mono pole with accompanying equipment?

Next, this DOESN'T just set a precedent for dealing with cellular phone carriers on Peak Lane but also the rest of the Town. In looking at the coverage map in the Town's consultant's report, this proposed antenna only solves one of about a dozen gaps in service in the Town. So, if it is allowed, I can imagine that there will be a significant number of additional applications within Portola Valley.

Another reason to not allow a tower in such close proximity in homes is that the result in lowering of home values is well documented. In other areas, homes sold adjacent to electrical stations and other intrusive structures have documented lower sales prices - surely our local realtors could come up with some very convincing evidence. And extrapolated to PV, where desire for natural surroundings is a major contribution to our property values, this would have an even greater effect.

Since coverage from other carriers is better, and T-Mobile has access to that coverage by renting space on those other poles/"pines", wouldn't the "least intrusive" be for them to use those already existing structures?

There are many other reasons that we feel add to the argument and we would like you to put off making a final decision until all other options are carefully weighed and considered.

We will see you at the meeting and thank you for considering our opinions.

Carol and Mark Sontag
280 Golden Oak Dr.
Portola Valley, CA
650-861-5628

Leslie Lambert

From: Carol Sontag [carolsontag@sbcglobal.net]

Sent: Tuesday, July 06, 2010 11:47 AM

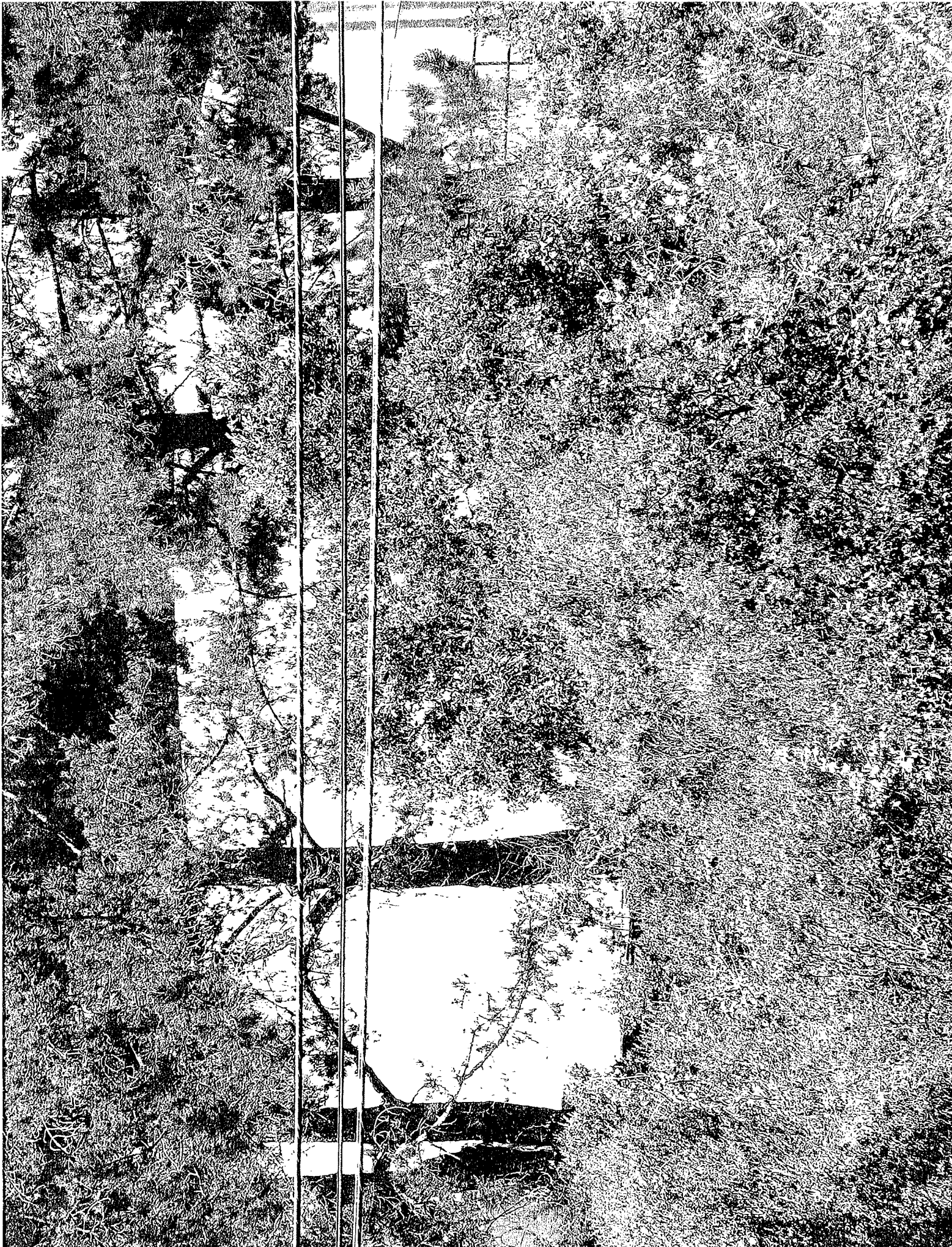
To: Steve Toben; Leslie Lambert; Ted Driscoll; Maryann Derwin; Ann Wengert; John Richards

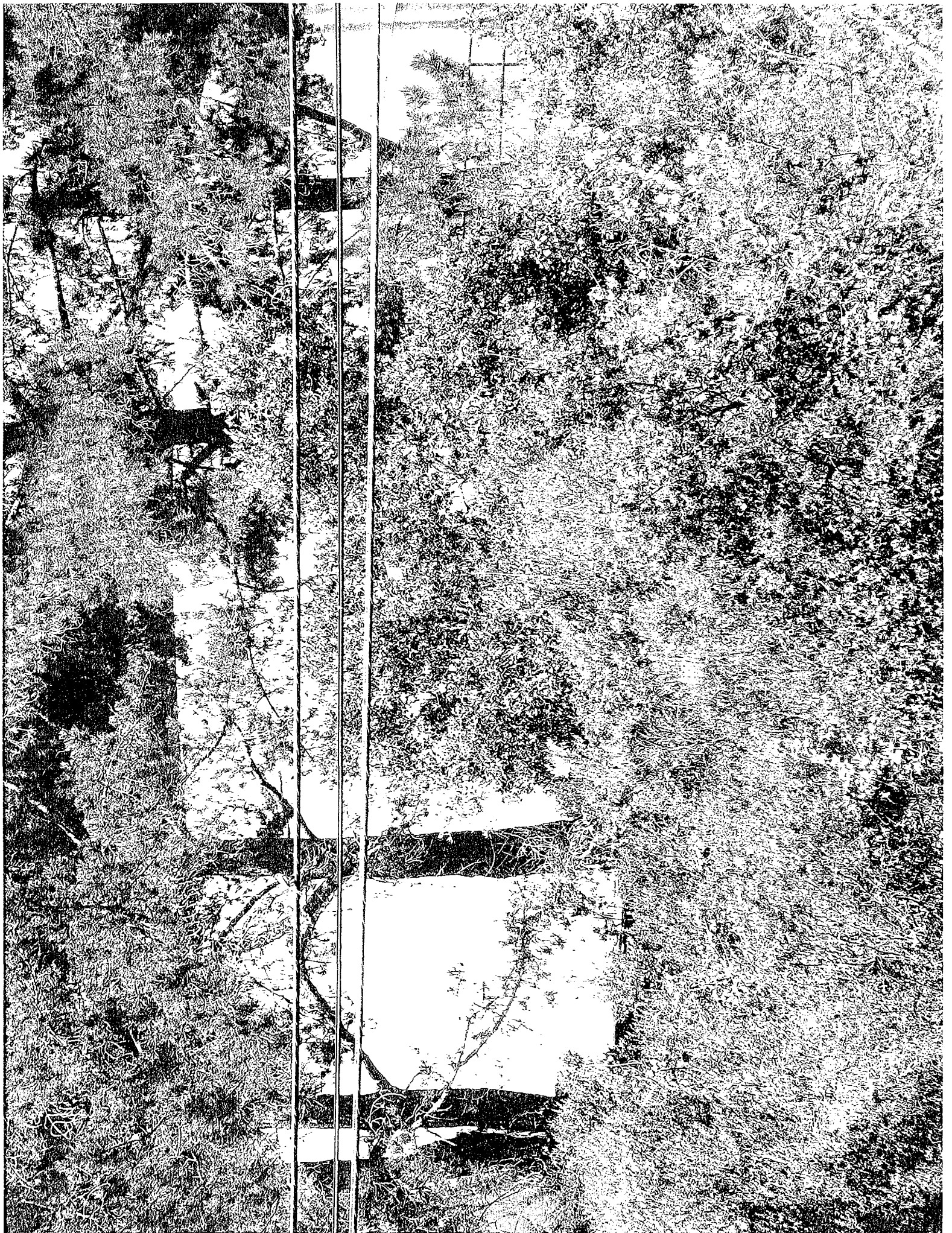
Cc: Carol Sontag

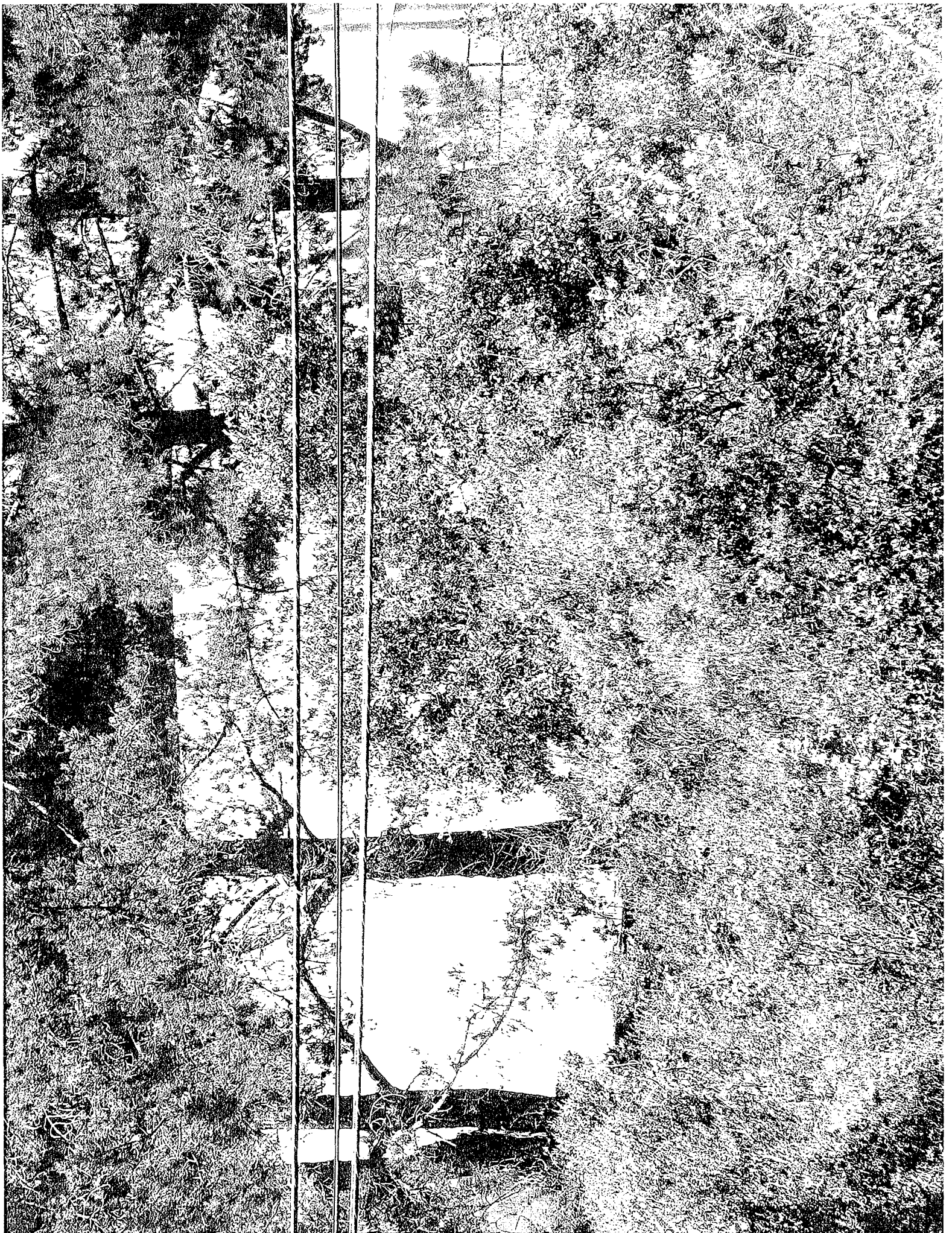
Subject: Photos of Cal Water site showing poor screening and tree on wires

Here are a few photos of the screening on the Cal Water site. We have a direct view of the water tank out of our kitchen window. Something we were told would not happen when Cal Water constructed the large water tank. Ground on the site is mostly rocky making vegetation difficult to grow. The pampas grass has taken over though.

Carol Sontag







From: PVForum@yahoogroups.com on behalf of Susan Brown [sbrown@snaflu.de]
Sent: Tuesday, July 06, 2010 12:42 PM
To: PVForum@yahoogroups.com
Cc: Steve Toben; Ted Driscoll; Maryann Derwin; John Richards; Ann Wengert
Subject: [PVForum] Re:Concerned about Wireless Services - The time to act is now!

Hello PV Forum,

I am not able to attend the meeting but hope that someone there will challenge the assumption that T-Mobile has a "significant" gap in coverage and the results of the peer review. My husband and I are both T-Mobile users residing in the middle of the so-called gap on the coverage map on the T-Mobile website, yet reception is quite good. I did some experimenting one day and found that my T-Mobile phone gets a signal nearly everywhere on Westridge with a few exceptions. What constitutes a "significant" gap? Small residential cul-de-sacs? What methods are used to assess the gap, and are they reliable?

On May 11th, I sent the following e-mail to the Planning Commission which I believe was forwarded to T-Mobile. I have not received a response to my concerns, so I would like to share the e-mail with all of you. (In retrospect I would probably change the statement about AT&T and the Ormondale/Shawnee area but that is not relevant here).

Best of luck at the meeting!
Susan Brown

"Dear Planning Commissioners:

I am very concerned about the proposed placement of a cell tower on Golden Oak at Peak Lane in view of the associated environmental and health issues. Furthermore, I question the need for such a tower and the validity of T-Mobile's claim of a significant gap in coverage.

My husband and I both use T-Mobile for our cell phones and have good reception at our home on Westridge Drive (better reception in fact than we get with our AT&T cell phones). According to the T-Mobile coverage map on their website (<http://www.t-mobile.com/coverage/pcc.aspx>) our home is in the middle of a T-Mobile dead zone including the broader Westridge area. That is simply not the case.

Today I rode in a car down nearly every side street of Westridge from Alamos to Bow Lane with my 2 cell phones to test the coverage of T-Mobile and to compare it to AT&T. I was able to get a T-Mobile signal nearly everywhere. The exceptions were on stretches of road that are located in or descend into narrow valleys (e.g. Pinon, Degas, part of Alamos, stretch of Westridge/Golden Oak near Pinon and a few others). AT&T also lacked service in these areas. In general, the T-Mobile and AT&T service appear comparable, with T-Mobile being at least as good if not better. In the Ormondale School / Shawnee Pass area, T-Mobile service is very good while AT&T is poor.

According to the AT&T website (<http://www.wireless.att.com/coverageviewer/>) AT&T coverage in the broader Westridge area is rated either "good" or "moderate". I think that is a fitting description for the coverage of T-Mobile as well.

I encourage the Planning Commission to verify further the claims of T-Mobile and to ensure they are not just trying to enhance their marketing. The residents of the Town of Portola Valley should not have to bear the detrimental effects and risks of such a cell tower, especially when there is not a significant need.

Sincerely, ..."

7/6/2010

Subject: FW: T-Mobile Cell tower - Miller

From: Whitney Miller [mailto:whitneym@olympus.net]

Sent: Tuesday, July 06, 2010 10:47 PM

To: Mayor Steve Toben; Vice Mayor Ted Driscoll; Maryann Moise Derwin; John Richards; Ann Wengert; Leslie Lambert

Cc: JeanneKunz@aol.com

Subject: T-Mobile Cell tower

July 6, 2010 Tuesday

Dear Mayor Steve Toben, Vice Mayor Ted Driscoll, Council member Maryann Moise Derwin, Council member John Richards, and Council Member Ann Wengert,

I am writing in regards to T-Mobile's proposal to place a cell tower on the Cal water site near Peak Lane.

One of the main reasons my husband and I own a home in Portola Valley, thus pay property taxes and buy water from Cal Water, is because of the rural nature of the community. In the town's charter it is strongly stressed that the rural character is to be maintained. I think it is very important that this is considered in regards to cell towers or any other construction. I would like to make two points, one is short term and the other is long term.

I know that because of the way the law governing telecommunications is constructed there are only a few things a municipality can do in regards to challenging the permit of a cell tower. One of the things that can be done however is for the municipality to propose another site for the tower.

I would like to urge the council to negotiate for more time in order to provide a site that would have less impact to residences, is less disturbing aesthetically, would serve more people and would be in keeping with the rural feeling of our town.

I believe the currently proposed site is a poor location for the following reasons:

- 1.) First it is very close to residences. Studies have shown that the value of real estate declines from 20 to 30% when there is a cell tower near by. Personally I would not buy a home if I could see a cell tower with in the neighboring mile. (One could argue: do I own and use a cell phone: yes. This said I still believe it is possible to place cell towers in a thoughtful, planned way.) It is not fair to people who bought their homes years ago when cell towers didn't even exist. Also while it is not legally possible to use health risks as an argument against the tower I still am not convinced that we know that close proximity of humans to towers is safe. We do not know what the long term affects are to health or to wildlife habitat.
- 2.) The second reason is it would only serve a few people. Based on Susan Brown's email sent to the council dated May 11, 2010, she states that she is a T-Mobile customer lives in the area that the new tower is suppose to cover. She states that her coverage is just fine. So it is questionable that this tower is even necessary. If this is the case it makes me wonder does T-mobile have other motives than to serve their customers in this area? What are these other reasons?
- 3.) The last reason I am concerned about this particular site is it sets a precedent for other cell towers: if this one passes then what prevents another one from passing?

This leads to my second point: I believe it is necessary for the town to adopt an ordinance in regards to cell towers and any other building of this sort. We need to find a balance in terms of providing technology for the town and still keep the rural "feel" of our town. This ordinance needs to address the following criteria:

- A.) aesthetics
- B.) compensation to property owners for loss of value to their homes
- C.) if on a site like Cal Water then who maintains the structure/building? How is this enforced? Who police's it?
- D.) criteria/restrictions for private land holders in regards to a cell tower or other structure
- E.) how monies paid to the town for constructing a tower or other structures are used are used
- F.) if money is paid to Cal Water, for example, for the right to construct a tower then a percentage of that money needs to go to the town
- G.) research and choose sites ahead of time where cell towers and other structures can be placed
- H.) require that certain kinds of technology be used
- I.) if a structure is proposed a procedure to contact near by home owners (define what is near by, eg with in a quarter mile) define the time frame this needs to occur in relation to the date the proposal is first mentioned to the council. I would suggest that a letter to home owners needs by law to go out with in a week of when the project is even mentioned
- J.) if a structure is proposed that a posting is made to the Portola Valley Forum Yahoo group alerting other citizens of the town of the proposal, use the same time sequence as in item I
- K.) write the proposal in such a way that it can be amended easily over time to include new technologies
- L.) as part of the ordinance require that it be reviewed annually to make sure that there are no new technologies that need to be addressed

I would urge the council to draft a temporary ordinance that can be put in place with in a month's time and then a proviso in that ordinance that says when a permanent ordinance will be completed, no more than 8 months from now.

Thank you for your consideration and your diligence in reviewing this matter.

Sincerely,

Whitney Miller
266 Corte Madera
Portola Valley, CA 94028
whitneym@olympus.net

From: PVForum@yahoo.com on behalf of Phil Barth [philbarth@comcast.net]
Sent: Wednesday, July 07, 2010 3:16 PM
To: Steve Toben; Ted Driscoll; Maryann Derwin; John Richards; Ann Wengert
Cc: PVForum@yahoo.com
Subject: [PVForum] Re: Cell towers, the power of eminent domain, just compensation, escrow account.

Hello again to all.

A helpful correspondent, who shall remain nameless unless he wants to come forward, has pointed me toward a 1999 appeals court decision where the plaintiffs made eminent-domain arguments similar to those I made below. Those arguments were shot down in court. The case is *Oliver v. AT&T Wireless Services* (1999) 76 Cal.App.4th 521, 90 Cal.Rptr.2d 491, available to read at <http://www.lawlink.com/research/CaseLevel3/76678>. A key point of the decision is that "However, while the court is sympathetic to the claimed loss of value of plaintiffs' property, any such decline in value cannot, in and of itself, establish inverse condemnation . . ." (See http://en.wikipedia.org/wiki/Inverse_condemnation for the meaning of "inverse condemnation".)

Best regards,
 Phil

On 7/7/2010 12:16 AM, Phil Barth wrote:

Dear Town Council Members.

There's a legal situation that I think must be examined before the Town grants a conditional use permit for erecting a cell tower on Peak Lane. I'm not a lawyer, but here's how I see things:

- The federal Telecommunications Act of 1996 limits the authority of the Town to prohibit setting up a cell tower. (http://en.wikipedia.org/wiki/Telecommunications_act_of_1996)
- Putting up a cell tower is regarded by many as a public good.
- But cell towers are eyesores. In addition cell towers create worries in the minds of many about health effects due to not-yet-understood non-thermal actions of microwave radiation. Whether those worries are supported by evidence or not is beside the point for property owners near the cell tower, and is beyond their control.
- To the extent that potential buyers of properties near cell towers are deterred by the eyesore aspect, or by the health worries aspect, or both, the value of the properties near cell towers is decreased. This is a "negative externality" (http://en.wikipedia.org/wiki/Negative_externality) of the erection of the cell tower. In a post to PVForum yesterday I estimated the magnitude of that decrease for only the properties immediately adjacent to the cell tower location to be \$3.35 million.
- That property value decrease is a direct consequence of the granting of a use permit by the Town government to a private entity.
- Thus the Town government is taking away private property, in the form of property value, from residential properties near the cell tower. In doing this the Town is exercising its power of eminent domain (http://en.wikipedia.org/wiki/Eminent_domain).
- The US Constitution, Amendment 5, mandates that no "private property be taken for public use, without just compensation." (<http://www.usconstitution.net/const.html#Am5>) That is, the exercise of the government power of eminent domain must be accompanied by compensation to the property owner against whom eminent domain is exercised.
- The Town is thus on the hook for providing compensation to property owners near the cell tower.
- There's no reason that this compensation should come out of the general funds of the Town. The Telecommunications Act of 1996 does not, as far as I can see, prohibit the Town from requiring the cell tower owner, or the property owner of the property owner on which the cell tower is to be erected, to pay

7/7/2010

that compensation.

- The Town, I think, has the power to make the cell tower owner, and the property owner where the cell tower is erected, jointly and severally liable for the compensation costs, by passing a Town ordinance. (http://en.wikipedia.org/wiki/Joint_and_several_liability)
- The wisest way to arrange for that compensation may be for the cell tower owner, and/or the property owner of the cell tower location, to put money in escrow to cover the anticipated compensation costs for nearby property owners affected by the exercise of eminent domain. And if estimates of these costs subsequently rise or fall, more or less money can be subsequently required in the escrow account.
- Appraising the properties near the cell tower, and the decrease in value of those properties due to the presence of the cell tower, will be tedious, complex, and expensive. The property owners of those nearby properties should not be forced to bear that expense, nor to involve themselves in time and effort to any great extent. Instead, that expense should be part of the compensation paid them by the cell tower owner and cell tower property owner.

Finally, I think that the only fiscally responsible course of action for the Town at present is to deny the conditional use permit for the cell tower until a funded escrow account is set up.

That's how I see the situation. Your mileage may vary.

Best regards,
Phil Barth
811 Wayside Road
Portola Valley.

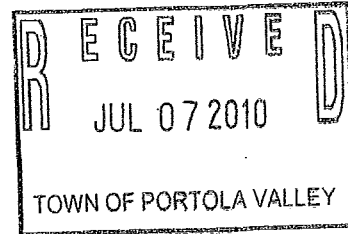
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To Leslie Lambert, Planning Manager, Town of Portola Valley
Tom Vlastic, Portola Valley Town Planner
Portola Valley Planning Commission
Portola Valley Town Council
Copy to PV Forum
Send via email



July 7, 2010

Reference: Proposed T-Mobile Tower on Cal Water property at the corner of Peak Lane & Golden Oak Drive

I am writing to express my concerns about the proposed T-Mobile tower.
Here are the points I would like to address.

1. **No demonstrated demand.**

The applicant has the burden of proof to show that the services T-Mobile wishes to provide are needed and desired by the residents they wish to serve. A gap in service is not sufficient criteria to show demand. Town policies require that businesses demonstrate that will primarily service residents. In the case of wireless services, the Town's 1997 Policy Statement defines this as coverage for 75% of our residents.

T-Mobile has the burden of proof to show that this test is met with this application.

I would like T-Mobile to explain how they plan to make money if this tower is built and residents don't use their services.

2. **Definition of "Gap in Service"**

How is a "gap in service" defined?

Some users report service where there are gaps.

Is there a real gap or not?

One PV resident, a T-Mobile subscriber, says there is none.

There are three categories of service shown in the T-Mobile coverage map: in-building, in-vehicle and on-street.

Do we really want in-vehicle coverage? Studies have found that drivers using a cell phone while driving are distracted. Do we want to promote this use? Can that aspect of service be blocked?

Using the 75% rule it is clear that the gap in service is incomplete. This proposal does not go far enough to fill that gap. Other facilities are needed and they should be made a part of this proposal.

**It's unfair to residents not to provide parity.
In fact, it's discriminatory.**

3. Backup Power

The Backup power mechanisms proposed are insufficient. As residents we are forewarned that when we have our next big earthquake that we will be without services for many days, probably 2-4 weeks. The presumption in the T-Mobile application is that they will be able to travel to the site and add an emergency generator within 8 hours. With roads closed or impassible, all resources will be strained. I don't think 8 hours of battery backup is sufficient.

4. The Environment

Environmental impacts are not part of this proposal but should be. The effect on wildlife and the environment are important considerations.

5. Easement by prescription

There is an easement by prescription defined by many years of usage on the Cal Water site by pedestrians, joggers, cyclists, dog walkers and runners. The reason for this easement is the hazardous nature of the intersection of Peak Lane and Golden Oak. This easement runs with the land and the proposed facilities interfere with the easement. The planned facilities are smack dab in the middle of the easement by prescription.

6. History of care and maintenance of Cal Water property.

Cal Water has a poor record when it comes to implementation of its CUP and the care and maintenance of required maintenance and screening. This is an issue when it comes to how they will monitor and control the actions of a Lessee.

7. Cal Water Site

The Cal water site is rocky and full of clay soil. Plants don't grow well so the question of how the proposed T-Mobile tower can be screened is a significant issue. While the site may have advantages from the standpoint of signal propagation, the downside is that this tower will

virtually be impossible to screen. It will be a real eye sore clearly visible to everyone travelling on Peak Lane, Cervantes and Golden Oak at this location. This tower doesn't meet our standards of fitting in with the environment.

8. Rightful CUP holder

Do we really want a tenant to be the Holder of this CUP? Shouldn't the responsible holder be the property owner? If something goes amiss, legal action can be taken against the property owner, but what about T-Mobile as a tenant?

9. Role of Technology

Technology seems to be a moving target. Just looking back through the last 13 years since the Town's wireless policies were developed much has changed. Perhaps in future years wireless services will be delivered by satellite negating the need for towers. We need to be clear about when a service is no longer needed and how a "gap in service" is defined should that occur. What would trigger that event?

10. Length of Condition Use Permit (CUP)

Ten years is a long time to have a CUP run. How will this CUP be monitored and controlled? We have already seen the effects of a poorly monitored CUP in the Cal Water case? What is our recourse?

11. Alternative Sites

The role of alternative sites has not been explored fully. What about facilities in less populated areas such as the Stanford wedge, adjacent Santa Clara County, the Woods property or even Jasper Ridge? The "gap in service" is self-serving. That's what can happen when you don't look at the whole picture. There are so many gaps in service. The T-Mobile plan looks like a piece of Swiss cheese.

12. Precedent of establishing wireless facilities in a residential neighborhood: Impacts on the Market Values of nearby homes.

So far our wireless services are on public rights of way and/or institutional settings such as the Woodside Priory. They are removed from residences. It's been pointed out that when a facility can't be camouflaged, it sticks out like a sore thumb. People notice not only when they pass by, but also when they think about these factors when buying a home. The number of people who would want to live next to an ugly tower reduces the number of people who would be

interested in buy that home and therefore, the market value. Who pays for this taking of value?
Is the Town willing to pay residents for a loss in the market value of a home?

13. Role of wireless communications in undergrounding policy.

Another key question is how to combine the need for wireless communications with the Town's undergrounding objectives. If the power poles on Alpine and Portola Road are removed, where will the existing facilities go and what will they look like.

14. Need for revised policies on wireless communications.

Portola Valley's wireless ordinance and wireless policies are out of date. When they were written wireless services were not where near as pervasive as they are now. We need to take a look at our zoning ordinances and find ways to minimize the impact on residential neighborhoods. We need to establish new policies to facilitate them and provide avenues to underground our overhead services. New zoning may be needed to accomplish this, but it's certainly something we need to take a look at.

I urge you to deny this application. It's incomplete.

We have the right to expect that local policies and ordinances matter and that FCC regulations are intended to be adapted to work with our local standards and values.

This application is not in the public interest and does not meet the needs of our residents.

Virginia Bacon
205 Golden Oak Drive
Portola Valley, CA 940238

To: Portola Valley Planning Commission
CC: Town Council

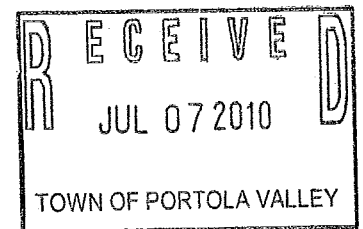
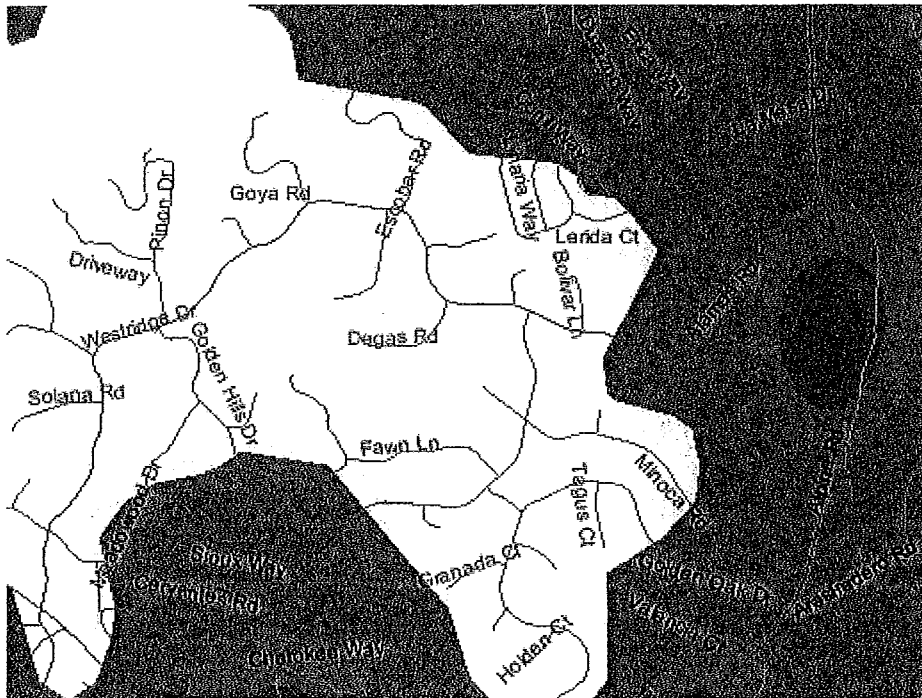
July 7, 2010

Re: Conditional Use Permit, X7D-170

I strongly encourage a denial of this application in its present configuration.

There are inconsistencies in RCC Consultants coverage presentations, Pages 5-6, Figures 2 and 3 show considerable in-building and in-vehicle coverage on Alpine Road, near the Swim and Tennis club. Yet, on page 6, Figure 4, in their drive about tests, they indicate no coverage in exactly the same locations, past Arastradero towards Westridge.

T-Mobile's own website, url <http://coverage.t-mobile.com/Default.aspx> shows good coverage on Alpine Road, past Westridge, and, via a "partner" throughout the Peak Lane region.



Susan Brown, a T-Mobile user, reports that she "gets a signal nearly everywhere on Westridge with a few exceptions." Her May 11 email to the Planning Commission reiterated her findings.

I find the conclusions from RCC to be suspect, based on these inconsistencies.

There are other alternatives to a giant tower. A response to having small antennas or DAS located on existing utility poles has been "But they are going to be underground".

However, we have lived here 29 years and as far as we know, there is still not a definitive plan in place to complete undergrounding. What would be the scheduled time line, budget, and funding sources for this? And what would be the specifications? Would only apply to the electric utilities, or does it include land line telephone, cable, fiber optics, and DSL, then the option of using existing utility poles should not be so quickly dismissed.

Portola Valley greatly needs a Communications Master Plan, coupled with the appropriate ordinances such as adopted by Carmel by the Sea, Chapter 19.28, titled Wireless Telecommunication Facilities. Items of interest include:

19.28.2 No facility shall be sited within 100 vertical feet of a ridge top ...

19.28.5 No facility shall be located in a residential zoning district where it is readily visible from the habitable area of a dwelling unit within 300 feet of the facility.

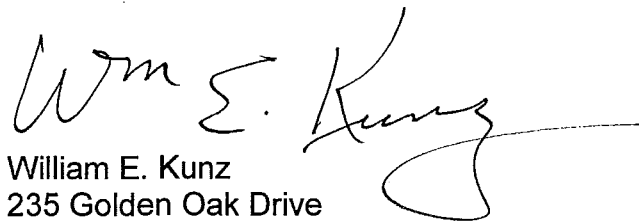
It may be that the time and expertise required to address this issue and the potential magnitude of its implications, are beyond the scope of what our Town's staffing can handle. If so, I would request that the Town immediately allocate budgetary funding to procure additional legal resources with expertise in these areas to come to our aid.

Other nearby residential communities ~~that~~ are undoubtedly already dealing with similar issues; or if not, soon will be. Creating some type of regional ad hoc committee might be useful in addressing both technological needs and the environmental impact inherent in these types of requests. In particular, nearby Ladera, Woodside, Los Altos Hills, and Saratoga come to mind. Carmel-by-the-Sea has what appears to be a very good, comprehensive Municipal Code that serves as a model to address many of the details associated with "telecommunications antennae." However, they have the advantage of having at least a certain portion of designated municipal areas. Portola Valley is uniquely, and pleasantly lacking in "nonresidential" land -- but there is some. Our compliance with FCC's request to designate land use for cell phone tower placements should most assuredly be scaled appropriately for what we can and cannot offer. While laws continue to grow exponentially, I would hope that the "reasonable man" theory of law is still alive and, if not necessarily well, still sufficiently alive to allow us to gasp for a little time and air here while we get our act together.

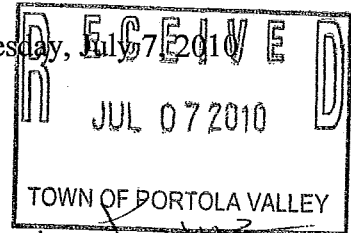
Tom Vlastic's Memorandum to the Planning Commission states: Under Federal Law: Page 6, "The town can regulate or deny the application based on aesthetic or any grounds other than RF emission. However, the town cannot effectively prohibit wireless coverage by denying an application. Therefore, when there is a significant gap in coverage, the town must allow the provider to fill the gap using the "least intrusive" means possible.

Last paragraph, page 7, if the Commission .. further finds .. that the applicant's proposal is not the least intrusive feasible means for filling the gap, then the commission may deny the project."

In this application request, the consultant's analysis is inconsistent, and the proposed oversized tower is not the "least intrusive". There is no justification for granting this CUP.


William E. Kunz
235 Golden Oak Drive
(650) 851-3365

Wednesday, July 7, 2010



TO: Members of the Portola Valley Planning Commission and
Members of the Portola Valley Town Council

From: Jeanne Kunz, 235 Golden Oak Drive, Portola Valley

Re: URGENT REQUEST FOR DENIAL of Application for Conditional Usage Permit X7D-170 for Installation of a Wireless Communication Antenna Facility on Peak Lane and Golden Oak Drive Assessor's Parcel Number 079-092-350

The attached Petition expresses the strong and unanimous opposition resonating throughout our Town regarding this CUP request to erect a tall commercial cell tower in the middle of a quiet residential community. Please keep in mind that these signatures represent spontaneous responses received within only a short 6-day timeframe spanning the Fourth of July holiday when, as we all know, a major portion of our residents are out-of-town. Active solicitation over a longer time period would have garnered an even greater number of oppositions. Many residents who wanted to attend tonight were unable to be here, but by signing the petition ask you to hear their voices as you bear witness to the serious concerns that will be expressed at tonight's meeting.

To allow the construction of a tall commercial tower adjacent to beautiful neighborhood homes of full-time, long-term residents would be a tragic mistake that I do not believe any member of the Planning Commission or Town Council would want to become their legacy. Please **DO NOT** move forward in building this "bridge to nowhere."

To approve the construction of this STRUCTURE in this location is **INAPPROPRIATE** and **UNNECESSARY**. There is **NO** strong evidence that it is needed, and absolutely no assurance that it would even be effective if it were to be built at that location. Those of us who regularly enjoy hiking in this neighborhood are all too aware of the many dips and valleys and knolls of the terrain as well as the density of the beautiful trees harbored throughout. These are beautiful features, but they are **NOT** effective for line-of-sight-dependent technologies. What might work for T-Mobile in Kansas would likely not work here at all.

It's unfortunate that so much time has lapsed without a definitive denial to this request, but tonight we can and should insure that corrective action is taken. For tonight, just say **NO**. External delays should rightly entitle us to additional time in which to consider a more in-depth, and perhaps more accurate, look at other alternatives. A comprehensive approach for our Town is urgently needed now, and will grow increasingly important in the near future. Let's deny this request and immediately begin to move forward in the right direction. We need to review and update our CPU application processes and ordinances regarding telecommunications in general. I've been told that at previous meetings, knowledgeable and capable residents have volunteered to help create a Communications Committee and a Communications Plan for our Town. Let's move forward and create that infrastructure to meet our community's needs while also protecting the rural atmosphere that makes our community so special. We are custodians of rare natural beauty that is becoming all too fragile in the wake of thoughtless progress. Our community is progressive and entrepreneurial, but we're also creative. Let's make this a win-win situation for our Town. Let our citizens' voices be heard, and let wisdom and commonsense prevail as we address the greater issues that are at stake in the consideration of this CUP.

**60-FOOT CELL TOWER PROPOSED
FOR PORTOLA VALLEY
ON PEAK LANE
ADJACENT TO EXISTING
RESIDENTIAL HOMES**

TO: The Portola Valley Planning Commission and Town Council

PETITION STATEMENT:

We, the undersigned, stand opposed to the issuance of a Conditional Use Permit (CUP) X7D-170, for installation of a Wireless Communication Antenna Facility as currently being considered by the Town of Portola Valley on California Water Service Company Property, on Peak Lane and Golden Oak Drive, by T-Mobile West Corporation Assessor's Parcel Number 079-092-350.

Note to signatories: This petition is intended to be a response from the Portola Valley community to its Town Planning Commission and Town Council. By signing this petition, you are presenting yourself as a member of the Portola Valley community who stands in opposition to the proposed granting of a Conditional Use Permit as currently proposed at Peak Lane for the erection of a ~60-foot telecommunications tower in very close proximity to residential homes (less than 100 feet from the front door and bedroom of one long-time resident).

EXECUTIVE SUMMARY

The Portola Valley Planning Commission will convene on **Wednesday, July 7th, 2010, at 7:30 p.m.** to continue its public hearing on this request for the installation of a pole antenna wireless communication facility at the location described above. At its July 7th meeting, the commission plans to make a decision on the conditional use permit. Barring immediate public resistance, it is believed that the Town of Portola Valley will likely accept the T-Mobile Proposal and that a 10-year license will be granted at the meeting on Wednesday.

While Portola Valley residents desire adequate cell phone coverage, the detriments of allowing such a visible structure in such close proximity to homes on a prominent ridge in Portola Valley outweigh its benefits.

Additional site alternatives and technological options need to be more thoroughly addressed by an ad hoc committee prior to making a decision on of this Conditional Use Permit. The author of this petition stands opposed to the T-Mobile CUP request as proposed and asks for your endorsement in such opposition.

EXPANDED SUMMARY

1. The Town of Portola Valley has not yet adequately addressed some of the requirements that need to be met prior to acceptance or granting of this Conditional Use Permit, per Ordinance No. 1997-295 passed by the Portola Valley Council on March 12, 1997:

“Whereas, wireless communication facilities may impact the aesthetics and harmony of the Town due to their design and/or installation; and WHEREAS, the Town Council believes that regulation of wireless communication facilities is a necessary and appropriate exercise of municipal authority to ensure that the aesthetic quality and harmony of the Town is preserved.” . . .

- **No. 6. Amendment of Code Section 18.72.130 states, “For wireless communication facilities, that the proposed site location and facility design have the least adverse impact when compared with other feasible alternatives.”**

2. The Town of Portola Valley has not yet adequately addressed some of the requirements that need to be met prior to acceptance or granting of this Conditional Use Permit, per their “Policy Statement Regarding Wireless Communication Facilities” adopted by the Portola Valley Town Council on February 26, 1997:

- **No. 4 “Wireless communication facilities shall be located on non-residential properties whenever technologically feasible and aesthetically acceptable.”**

Note: While California Water sites themselves may be considered non-residential property, in Portola Valley they are primarily surrounded by residential areas. Therefore, their setback rules need to be aesthetically acceptable to the surrounding community and its specific conditions. Looking out of one's residential window and seeing a tall tower a few feet away is not aesthetically acceptable. Other alternative sites need to be provided for consideration before granting this CUP request.

- **Application information listed which may be required as part of an application for installation or modification of a wireless communication [and SHOULD be required when a CUP is being requested within an established residential area in close proximity to homes] includes the following:**
 - **C. “Alternative site analysis demonstrating the advantages of the proposed site and the necessity of locating a wireless communication facility there; and**

[recommended as appropriate in this situation]
 - **B. (3) “approximate locations of other facilities that would be needed to provide service to at least 75% of the Town’s population;**
 - **D. Facility design alternatives to the proposal.**
- **No. 5.B states, “The permit shall be granted for an initial period not to exceed five years” with renewals permitted as deemed appropriate by the Planning Commission. [This CUP specifies an initial period of 10 years. The justification for this extended period would require clarification.]**

PRECEDENT: We are not Alone in What We are Facing Here

Communities and towns throughout the country, and indeed as far away as Europe, India, and Uganda are visibly addressing the issues of modern telecommunications and attempting to provide access while preserving community environments. We are fortunate that our Town of Portola Valley

took the initiative in 1997 to pass a Policy Statement and an Ordinance. We should now perhaps consider reviewing and re-designing our ordinance as the need for telecommunication access is now growing exponentially. An ad hoc committee of both Town representatives and knowledgeable community members would be of great benefit at this time.

Resources and Suggestions:

- Larger cities like San Francisco and Berkeley are being quite vigilant in monitoring their telecommunication governance as more information becomes available about technology options and any potential hazards for its citizenry.
- Cell Tower Guidelines [online] states, “Cell towers are an essential aspect of modern communication. In an effort to provide more efficient cell phone coverage to a wider area, communication companies are erecting more towers every year. This process takes place with careful consideration for the community that will host the tower. Local and federal regulations and ordinances must be followed to ensure that the tower and its communication equipment are efficient, safe, and as transparent as possible.”

Cell Tower states, “Standard practice dictates that the base of a communication tower be 2 feet away from a residential zone for every 1 foot of the structure’s height.” For example, a 60-foot tower would need to be located at least 120 feet from the nearest residential ZONE (meaning property line). And, “Cell towers that are adjacent to residential zones must be shielded from the residents’ line of sight via landscaping.

- Regard Alternative Technologies, Cell Tower Guidelines states, “Municipalities will try to circumvent the construction of a new cell tower by using existing structures within the town to house communications equipment. . . . the town will generally prefer this course of action because it preserves the look of the community.”

This would give priority to utilization of existing utility poles, for example. Unless the Town of Portola Valley foresees completion of undergrounding efforts within the next five years, this might warrant a higher priority than appears in the current PV Staff report. Newer technology options would likely demand updating by then anyway.

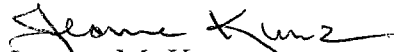
DESIRED OUTCOMES:

1. Decline the current request by T-Mobile West Corporation for a Conditional Use Permit for a Wireless Communication Antenna Facility at Peak Lane.
2. Address the need to increase the amount of land required around a tower, especially within residential neighborhoods.
3. Form an ad hoc citizens telecommunications committee to a) identify and assess alternative locations and technologies to address its growing need for telecommunication access; and b) assist town in reviewing, clarifying, and revising the Town's current Telecommunications Ordinance, Municipal Code, and Application process as warranted.

CLOSING:

I strongly urge you to let the Portola Valley Planning Commission and Town Council hear your feelings on this matter. Please attend the public hearing at 7:30 p.m. on Wednesday, July 7th, 2010, at the Historic Schoolhouse Council Chambers. Meanwhile, your endorsement of this petition will be an endorsement of our desire to pursue the best alternative option available with regard to placement of a wireless communication antenna facility and to symbolize the value we place in preserving our scenic, environmentally friendly community.

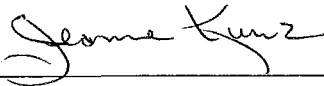
Thank you for your consideration and support in this matter.


Jeanne M. Kunz

235 Golden Oak Drive
Portola Valley, CA 94028

Petition to Town of Portola Valley re Proposed Cell Tower on Peak Lane

Note to signatories: If you choose to sign this petition as a member of a neighboring community, please indicate so in your endorsement.

	SIGNATURE (email requests to add signatures are on file for all names listed)	Printed Name	Address (plus email address or phone (opt.))
1.		Jeanne Kunz	235 Golden Oak Drive, Portola Valley
2.		William E. Kunz	235 Golden Oak Drive, Portola Valley
3.		Judith Murphy	8 Portola Green Circle, PV
4.		Bob Boyles	360 Escobar Rd., PV
5.		Donna Wells	360 Escobar Rd., PV
6.		Katy Sutherland	112 Groveland Street, PV
7.		Jackie Whittier Kubicka	15 Hillbrook Drive PV
8.		Cole Erskine	240 Cervantes Rd., PV
9.		Mary Beth Erskine	240 Cervantes Rd., PV
10.		Amy Adams	208 Corte Madera, PV
11.		Cynthia Campbell	129 Santa Maria Ave., PV
12.		Janet Lorenzen	15 Cordova Court, PV

Petition to Town of Portola Valley re Proposed Cell Tower on Peak Lane

	SIGNATURE (email requests to add signatures are on file for all names listed)	Printed Name	Address (plus email address or phone (opt.))
13.		John Neil Weintraut	15 Cordova Court, PV
14.		Virginia Bacon	205 Golden Oak Drive, PV
15.		Mark Sontag	280 Golden Oak Drive, PV
16.		Carol Sontag	280 Golden Oak Drive, PV
17.		Janet Baumgartner	215 Golden Oak Drive, PV
18.		Andrea Hutchinson, MD	65 Prado Court, PV
19.		Jane Wilson	557 Cresta Vista Lane, PV
20.		Phil Barth	811 Wayside Rd., PV
21.		Andy Thorson	127 Wayside, PV
22.		Patricia Thorson	127 Wayside, PV
23.		Joan Leighton	220 Willowbrook, PV
24.		Grace Leclerc	250 Golden Oak Drive, PV
25.		Walt Leclerc	250 Golden Oak Drive, PV
26.		Janet Mountjoy	237 Echo Lane, PV

Petition to Town of Portola Valley re Proposed Cell Tower on Peak Lane

	SIGNATURE (email requests to add signatures are on file for all names listed)	Printed Name	Address (plus email address or phone (opt.))
27.		Charles Thom	237 Echo Lane, PV
28.		Bryan Barber	51 Stonegate Road, PV
29.		Joanne Donsky	160 Meadowood Drive, PV
30.		Stuart Oremland	160 Meadowood Drive, PV
31.		Gary Fanton	265 Golden Oak Drive, PV
32.		Karen Fanton	265 Golden Oak Drive, PV
33.		Bryan Barber	51 Stonegate, PV
34.		Louise Barber	51 Stonegate, PV
35.		Louise Emerson	51 Stonegate, PV
36.		Jan Schachter	190 Golden Hills Drive, PV
37.		Dana Cappiello	Golden Oak Drive, PV
38.		Patrick Tinney	Golden Oak Drive, PV
39.		Derek Cappiello	Golden Oak Drive, PV
40.		Dylan Cappiello	Golden Oak Drive, PV

Petition to Town of Portola Valley re Proposed Cell Tower on Peak Lane

	SIGNATURE (email requests to add signatures are on file for all names listed)	Printed Name	Address (plus email address or phone (opt.))
41.		Ruth Wilcox	2 Applewood Lane, PV
42.		Sheri Elmore	125 Bear Gulch Drive, PV
43.		Les Elmore	125 Bear Gulch Drive, PV
44.		Barbara Poole	30 Alhambra Court, PV
45.		Warren Poole	30 Alhambra Court, PV
46.		Susan Nycum	35 Granada Court, PV
47.		Alan Buckley	35 Granada Court, PV
48.		Rowland Tabor	108 Santa Maria Avenue, PV
49.		Louise Gould	10 Alhambra Court, PV
50.		Ted M. Gould	10 Alhambra Court, PV
51.		Charlotte Thunen	1135 Portola Road, PV
52.		Teresa Godfrey	20 Tynan Way, PV
53.		Jay Marty Tenenbaum	25 Alhambra Court, PV
54.		Arlene Tenenbaum	25 Alhambra Court, PV

Petition to Town of Portola Valley re Proposed Cell Tower on Peak Lane

	SIGNATURE (email requests to add signatures are on file for all names listed)	Printed Name	Address (plus email address or phone (opt.))
55.		Christopher Berg	4 Thistle, PV
56.		Candy Berg, PhD	4 Thistle, PV
57.		Bob Nebrig	20 Granada Court, PV
58.		Kimie Nebrig	20 Granada Court, PV
59.		Catherine Hoffmann	225 Golden Oak Drive, PV
60.		Drew Hoffmann	225 Golden Oak Drive, PV
61.		Marian P. Suliteanu	165 Fawn Lane, PV
62.		Karin (Kajsa) Tabor	108 Santa Maria Avenue, PV
63.		Whitney Miller	266 Corte Madera, PV
64.		Richard Miller	266 Corte Madera, PV
65.		Louise Emerson	51 Stonegate Road, PV
66.		Kay Elizabeth Erikson	133 Russell Ave., PV
67.		Russell David Erikson	133 Russell Ave., PV
68.		Annaloy Nickum	4690 Alpine Road, PV

Petition to Town of Portola Valley re Proposed Cell Tower on Peak Lane

	SIGNATURE (email requests to add signatures are on file for all names listed)	Printed Name	Address (plus email address or phone (opt.))
69.		Leslie A. Field	811 Wayside Rd, PV
70.		Susan Brown	680 Westridge Dr., PV
71.		Ann Ganesan	102 Santa Maria Ave., PV
72.		Brian Harley	30 Kiowa Court, PV
73.		Jenny Harley	30 Kiowa Court, PV
74.		Elizabeth Mitchell	40 Alhambra Court, PV
75.		Kristi Corley	15 Golden Oak Drive, PV
76.		Jennifer W. Harris	501 Portola Rd. #8076, PV
77.		Phyllis Eicher	135 Russell, PV
78.		Russell Eicher	135 Russell, PV
79.		Mary Quinn	4 Oak Forest Court, PV
80.		Gary Moiseff	180 Shawnee Pass, PV
81.		Rose Moiseff	180 Shawnee Pass, PV
82.		Robert Robinson	25 Shoshone Place, PV

Petition to Town of Portola Valley re Proposed Cell Tower on Peak Lane

	SIGNATURE (email requests to add signatures are on file for all names listed)	Printed Name	Address (plus email address or phone (opt.))
83.		Roberta Robinson	25 Shoshone Place, PV
84.		Sue Chaput	358 Alamos Rd., PV
85.		Gene Chaput	358 Alamos Rd., PV
86.		Karen Vahtra	72 Hillbrook Drive, PV
87.		Dimitrije Mita Postich	45 Granada Court, PV
88.		Zlata Postich	45 Granada Court, PV
89.		George Postich	45 Granada Court, PV
90.		Janet Briggs	350 Cervantes Rd., PV
91.		Sally Araki Aalfs	135 Crescent Avenue, PV
92.		Beth Taylor, MD	21 Hillbrook Drive, PV
93.		Sofie Vercruysse	405 Cervantes Road, PV
94.		Ward Vercruysse	405 Cervantes Road, PV
95.		Andrea Koontz	10 Los Charros Lane, PV
96.		Karin Wick	170 Ramoso Road, PV

Petition to Town of Portola Valley re Proposed Cell Tower on Peak Lane

	SIGNATURE (email requests to add signatures are on file for all names listed)	Printed Name	Address (plus email address or phone (opt.))
97.		Bert Allen	4510 Alpine Road, PV
98.		Pat Allen	4510 Alpine Road, PV
99.		Jon Escher	35 Sioux Way, PV
100.		Sandra Escher	35 Sioux Way, PV
101.		Paulo de Oliveira	331 Old Spanish Trail, PV
102.		Elizabeth de Oliveira	331 Old Spanish Trail, PV
103.		Dale Lachtman	175 Willowbrook Drive, PV
104.		Dennis Lachtman	175 Willowbrook Drive, PV
105.		Sherm Rutherford	60 Golden Oak Drive, PV
106.		Darlene Rutherford	60 Golden Oak Drive, PV
107.		Diane Vedder	285 Golden Oak Drive, PV
108.		John Vedder	285 Golden Oak Drive, PV
109.		Mike Fabian	4361 Grove Dr., PV
110.		Brenda Herrington	50 Possum Lane, PV

Petition to Town of Portola Valley re Proposed Cell Tower on Peak Lane

	SIGNATURE (email requests to add signatures are on file for all names listed)	Printed Name	Address (plus email address or phone (opt.))
111.		Carol Tague Arnold	150 Golden Oak Dr., PV
112.		Patty Brady	55 Granada Court, PV
113.		Jim Brady	55 Granada Court, PV
114.		Carrie Sweetnam	190 Golden Oak Drive, PV
115.		Jennie Conley	20 Paso del Arroyo, PV
116.		Ray Conley	20 Paso del Arroyo, PV
117.			
118.			
119.			
120.			
121.			
122.			
123.			
124.			

From: Ajit Shah [ajit@shahemail.com]
Sent: Saturday, September 18, 2010 9:17 AM
To: Sharon Hanlon
Subject: Cell Tower

I believe there are many people in favor of the cell tower but they are afraid to voice their opinions due to the highly publicized public outcry. I am in favor of the tower as I believe it will significantly improve communications coverage in Portola Valley. To date, there is no hard scientific evidence that power lines or cell towers cause harm. There is more risk standing next to a microwave oven while it is operating than a cell tower. I continue to be amazed at the NIMBY approach of Portola valley residents. We want all of the services but none of the sacrifices that come with those services. I am certain that if it was possible to erect a more visible, more powerful tower in another town, we would all be in favor of the tower due to the need for improved coverage in PV.

I hope you will recognize that the vocal minority do not represent the views of all PV residents. Perhaps we should put it to a vote of the citizens. Thanks for listening and good luck with the process.

Sincerely,

-Ajit Shah

From: Leslie Lambert
Sent: Monday, September 20, 2010 4:08 PM
To: Sharon Hanlon
Subject: T-Mobile

Hi Sharon,

Ted Lamb and his wife called to say they vote in opposition to the T-Mobile application on Peak Lane. They said they tried to email both of us and it wouldn't go through.

Les

Leslie Lambert
Planning Manager
Town of Portola Valley
(650) 851-1700, ext. 212

From: PVForum@yahoogroups.com on behalf of Alice Schenk [alice@docc.com]
Sent: Tuesday, September 21, 2010 11:01 AM
To: mltj102
Cc: PVForum@yahoogroups.com; Steve Toben; Ted Driscoll; Maryann Derwin; John Richards; Ann Wengert
Subject: Re: [PVForum] Peak Lane Monstrosity

I would just like to comment on the proposed tower.
It is incorrect to think that there is not a need for cell phone coverage for *all *of Portola Valley. Those of us who live in these "dead zones" are really at a deficit. Each winter my land phones go out when we have heavy winds or rain. Last winter, while recovering from a broken hip and unable to drive, I lost phone service for a week and internet service for a week and a half. As usual I had no cell service. It is a very isolating feeling to be in that situation and I really would have loved to be able to connect with someone in an emergency. I am not suggesting that the tower is necessarily the answer as I do not like the idea of damaging another's situation. Nevertheless, I think that this is a matter that should be addressed and the need should *not *be minimized. Perhaps there is a short term solution to address the issue until newer technology arises. That is the message that I would like to send to our Town Council.
Respectfully,
Alice Schenk

From: PVForum@yahoogroups.com on behalf of Matt Miller [matt-miller@sbcglobal.net]
Sent: Tuesday, September 21, 2010 12:53 PM
Cc: PVForum@yahoogroups.com; Steve Toben; Ted Driscoll; Maryann Derwin; John Richards; Ann Wengert
Subject: Re: [PVForum] Lack of Cell Reception Monstrosity

I would like to second the need for the town leaders to do something to improve cell reception. This is a clear safety need in a town with regular power failures as it sits on a huge earthquake fault in a high risk fire zone. While the signal is great on Portola Road, try going off in the canyons...it stinks. Wireless communication has become an expected and powerful element in our lives and provides necessary backup to landlines and power lines. Towns across the country have struggled to create a reliable wireless infrastructure and we must do the same.

The current state of reception in PV is very poor and it is time for a proactive plan to improve it not just for T-Mobile customers but also for ATT and Verizon folks. I have no desire to ruin anyone's view or back yard and take no position on the current proposed site. Maybe we can do better. However, the Town Council needs to proactively plan the next few viable sites to complete our infrastructure.

When I last expressed this opinion on the forum, I received some nutty emails saying I wanted to irradiate the kids and ruin our views. This time, why don't you all just call my cell phone instead...it will not ring at home anyway.

Matt Miller

From: Diane [ggvedder@comcast.net]
Sent: Thursday, September 23, 2010 12:11 PM
To: Sharon Hanlon
Subject: Set Back for structures on Peak Lane

To Steve Toben and the Portola Valley Town Coucil:

Why is Peak Lane considered a side street with a 20 foot set back for structures when all three houses on Peak Lane have their front doors on Peak Lane? I wonder why a structure for cell phone reception inside an almost impossible to landscape eight foot fence would not be required to use a 50 foot set back. Can these rules be changed? There are no telephone poles on Peak Lane except at corners of Cervantes and Golden Oak. This is because neighbors cared enough about the rural atmosphere and beauty in the front of their homes. that they paid themselves for undergrounding. The planned structure is very obvious because of its placement so close to edge of the road cut.

Thank you for considering this,

Diane Vedder

From: Susan Brown [sbrown@snafu.de]
Sent: Friday, September 24, 2010 3:12 AM
To: Sharon Hanlon
Cc: Leslie Lambert
Subject: Comments on T-Mobile documentation for PV Town Council

To the Portola Valley Town Council:

I would like to provide you my comments on the documentation T-Mobile submitted to you in mid-September to support their appeal of the Planning Commission's decision to deny their cell tower application. In my view T-Mobile fails in this documentation to demonstrate the existence of a "significant gap" in service coverage. Here are what I see as the flaws and weaknesses of their argumentation regarding a "significant gap":

T-Mobile's claim that there is a "significant gap" in coverage is based on radio frequency coverage maps. My understanding is that radio frequency measurements are only predictive measures and do not necessarily reflect actual coverage. T-Mobile does not demonstrate in their document that these measures reliably correlate to the capability of T-Mobile users to make cell phone calls, which is what is actually relevant in this case. As stated on the T-Mobile website, "coverage maps are only an estimation of available coverage". My own experience with T-Mobile service shows that the coverage map for Portola Valley on the T-Mobile website has poor predictive value. As I wrote the Planning Commission in my e-mail of May 11, 2010 (see below), my husband and I had no problem to make or receive calls reliably with our T-Mobile cell phones in our home on Westridge Drive in an area where T-Mobile maps show there is "no coverage". I also tested the (in-vehicle) signal strength of my T-Mobile cell phone on Westridge Drive and its side streets and found that only isolated spots have no signal, mainly on cul-de-sacs. My T-Mobile phone also had sufficient signal on most of Cervantes and on Peak Lane.

In other communities where T-Mobile has submitted a cell tower application people have come to the same conclusion as myself that T-Mobile's claim of a "significant gap" did not correspond to an inability to make or receive calls (See, for example, www.getthecelloutofhere.com where in Glendale, CA, a concerned citizen goes door to door with a T-Mobile phone to show on video camera just how good the T-Mobile service is throughout the area where T-Mobile claims the need for a cell tower).

T-Mobile apparently has not attempted to locate the specific areas where calling is not possible and to measure the size of the actual gaps. Instead they speak of a "technical gap" and postulate that the entire area in question has a significant gap: "T-Mobile has submitted detailed radio propagation coverage maps to show a significant gap in in-building and in-vehicle coverage in the residential area of Portola Valley north of Alpine Road." The document goes on to say that "the existence of this significant gap in coverage is verified and explained" in a statement in Exhibit E and that this statement explains and graphically represents in detail the area in which the coverage gap occurs and the significance of the gap. However, Exhibit E does not verify the existence of the gap but rather assumes it, and the significance of the gap is grossly overestimated.

Exhibit E describes the area of "significant gap" as extending roughly from Alpine Road to the south to the town's northern border. It then goes on to describe the significance of this technical gap within the area to be served by the cell tower (which by the way begs the question of how they would later propose to serve the rest of the area). Here a flawed line of argumentation is used. The statement

enumerates the entire number of parcels within the cell tower reach (400), the entirety of the population estimated to live there (1,366), the entire length of Cervantes, and the entire number of car trips made on that roadway. As I commented above, much of this area appears to have sufficient coverage already, so the significance of the gap should refer not to the entire area but only those spots where there is insufficient actual coverage to make a phone call. Cervantes is a case in point for over-estimation: Even on T-Mobile's own website (<http://www.t-mobile.com/coverage/pcc.aspx>) nearly half of Cervantes is shown to be in a "green" area, yet T-Mobile includes the entire roadway in its assessment of the "significant gap".

In Exhibit E T-Mobile also brings in factors that are inconsequential for determining whether there is a "significant gap". For example, the "E911 service gap" is irrelevant, because even if there were no T-Mobile coverage in an area, a 911 call from a T-Mobile phone would automatically be routed to another carrier, assuming that at least one other carrier serves the area -- and the coverage maps of Sprint and Verizon show they do. Thus there would be no gap in service from the T-Mobile customer perspective (and presumably denial of the cell tower would not result in a prohibition of 911 service).

Also irrelevant for the "significant gap" question in Exhibit E is T-Mobile's discussion of the importance of signal strength for providing services beyond phone calls, such as texting and internet. According to the Telecommunications Act the assessment of a "significant gap" refers to phone calls and the ability of a remote user to access the national telephone network (and not the ability to use other services like the internet). The point raised by T-Mobile that PV residents want high quality telecommunications services is thus irrelevant in the context of the "significant gap" discussion.

Going back to the issue that T-Mobile has not described the precise location or magnitude of any actual gaps -- or provided any relevant data like the number of dropped calls -- it is concerning that T-Mobile has proposed a solution for an alleged problem of which they apparently do not know the scope. How can they know what the least intrusive means would be to solve any gaps? An overestimated gap translates into an oversized solution with stronger negative implications (for aesthetics, health risks, etc.). Also, some PV residents have complained on the PV Forum that they do not have any cell phone reception at all. How many such residents live within the range of the T-Mobile cell tower, and how many of them would be able to make calls if the tower were approved? What a shame it would be if the tower with all its negative implications were erected to help such people only to find out later that they still have no service, because they live in areas, such as gullies, that are not within line-of-sight of the tower.

In closing, I would like to say that my personal experience with T-Mobile as a reliable cell phone service in a so-called "dead zone" of Portola Valley seriously calls into question the validity of T-Mobile's technical radio frequency measurements for assessing the question of a "significant gap". In my view T-Mobile has failed to demonstrate in the submitted document the existence of a "significant gap", or to describe its magnitude and precise location(s), in terms of actual ability to connect to the national telephone network, in which case the rejection of their application would be justifiable. Furthermore, if the area is already widely served by T-Mobile and there are only occasional dead spots, as my experiments suggest may be true, then denial of the cell tower would not result in a prohibition of T-Mobile phone call service.

Sincerely,

Susan P. Brown

Begin forwarded message:

From: Susan Brown <sbrown@snafu.de>
Date: May 11, 2010 10:18:16 PM GMT+02:00
To: planningcommission@portolavalley.net
Subject: Planning Commission / Proposed Cell Tower, Peak Lane

Dear Planning Commissioners:

I am very concerned about the proposed placement of a cell tower on Golden Oak at Peak Lane in view of the associated environmental and health issues. Furthermore, I question the need for such a tower and the validity of T-Mobile's claim of a significant gap in coverage.

My husband and I both use T-Mobile for our cell phones and have good reception at our home on Westridge Drive (better reception in fact than we get with our AT&T cell phones). According to the T-Mobile coverage map on their website (<http://www.t-mobile.com/coverage/pcc.aspx>) our home is in the middle of a T-Mobile dead zone including the broader Westridge area. That is simply not the case.

Today I rode in a car down nearly every side street of Westridge from Alamos to Bow Lane with my 2 cell phones to test the coverage of T-Mobile and to compare it to AT&T. I was able to get a T-Mobile signal nearly everywhere. The exceptions were on stretches of road that are located in or descend into narrow valleys (e.g. Pinon, Degas, part of Alamos, stretch of Westridge/Golden Oak near Pinon and a few others). AT&T also lacked service in these areas. In general, the T-Mobile and AT&T service appear comparable, with T-Mobile being at least as good if not better. In the Ormondale School / Shawnee Pass area, T-Mobile service is very good while AT&T is poor.

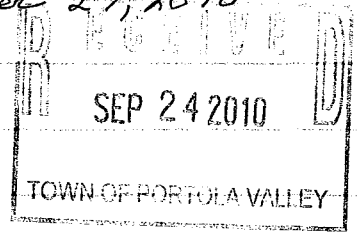
According to the AT&T website (<http://www.wireless.att.com/coverageviewer/>) AT&T coverage in the broader Westridge area is rated either "good" or "moderate". I think that is a fitting description for the coverage of T-Mobile as well.

I encourage the Planning Commission to verify further the claims of T-Mobile and to ensure they are not just trying to enhance their marketing. The residents of the Town of Portola Valley should not have to bear the detrimental effects and risks of such a cell tower, especially when there is not a significant need.

Sincerely,
Susan P. Brown
680 Westridge Drive
Portola Valley, CA 94028

285 Golden Oak Drive
(Corner Peak Lane)
Portola Valley, CA 94028
September 27, 2010

Attention: Steve Joben, Mayor



Dear Portola Valley Town Council Member,

Subject Reference Proposed Conditional Use Permit for Wireless Antenna Facility, California Water Tank Property, Peak Lane and Golden Oak Drive, T-Mobile Corporation.

This proposed T-Mobile facility would be detrimental to the "quality of life" for those who reside near or drive by the site. I was president of the Alpine Hills Association when we worked to establish Portola Valley as a town that would maintain our attractive, tranquil, family-oriented residential community for all generations.

Site:

The proposed monopole is less than 100 feet from my home. It is about 21 feet from the edge of the Road Cut on Peak Lane. A 6 foot surrounding 8 foot high fence for equipment and structure is very obvious and detrimental to aesthetic character of street and neighborhood. Landscaping would be difficult in this very narrow strip along Peak Lane. One can see the solid rock in the road cut. This would create a problem for deep watering of roots. Two oak trees that are still alive since they were planted by CA Water to hide their new tank have grown very little and they are located within the planned fence enclosure and would be cut down ~~as destroyed~~ or obscured. A five to ten year time table for new landscape is unacceptable when you consider that my husband and I are in our eighties. There are no poles or lines on Peak Lane except at intersections of Golden Oak and Cervantes. We and a neighbor paid for the undergrounding

of a previously proposed pole. All three homes on Peak Lane have their front doors facing Peak Lane. Our 113 foot long 50' house has three bedroom windows facing Peak Lane. T-Mobile's architects make our house appear to be wider and around 60 feet long. Please come and take a walk along Peak Lane. You are welcome to view the site from our front door or from the garden path along the house. There is a short stake with a yellow tie marking the center of the monopole. To see this clearly you need to walk along the top of the road cut on the water company property. This area has been used by neighbors as a trail for fifty years. I have enclosed some pictures. Is it pertinent to ask if a pole 50 feet true might fall into street during a high magnitude earthquake like the recent 8.9 in Chile?

Noise:

The T-Mobile architect noted in a Planning Commission meeting that the noise factor will not be measured until after the construction is completed. This is too late! My husband is a light sleeper and normally Peak Lane is quiet at night. However, some neighbors are kept awake by noise from the CA Water Company equipment.

Health:

I understand that this issue is not being considered. From my reading, many studies on this topic are not complete. The sign on the fence surrounding the monopole on Crestadero Road reads "Beyond this point you are entering a controlled area where radio frequency emissions may exceed FDD Occupational Exposure Limits - Can the town trust T-Mobile engineers when their monopole will have equipment for two carriers."

Precedents:

Will the quality of other people's lives in Portola Valley be threatened with wireless antenna facilities less than 100 feet from their homes. Some towns pass statutes requiring from 300 to 1500 feet of distance between a residence and a facility. Can the Peak Home site grow to a cell farm? There is a "farm" on private property in Los Altos.

New Technology:

Has the town studied all the new, less obtrusive, and more innovative technologies that help those who want improved cell phone reception? Just week on the news a new phone was described that does not use cell towers. Perhaps our forward-thinking town could negotiate a special price for these. The small in-home devices also seem to work well. Are there existing areas farther away from private residences where companies could come together to design and construct a "state of art" facility. Portola Valley could be a leader in advocating new technologies.

Wildlife:

At the suggestion of the Sequoia and Santa Clara Audubon Environmental Advocates, I am asking that a full EIR (Environmental Impact Report) be prepared and studied before a permit is granted. Watching hawks, vultures, corvids, occasional hites and eagles, ducks, geese, herons, quail, woodpeckers, jays, and numerous song birds has long been a pleasant activity in our yard and at the Peak Home Water Company Site. Studies such as one in Bedford indicate that cell tower emissions have a detrimental effect on bird life and flight patterns. Songbirds might also get confused. T-Mobile reports that there is twice as much radiation at the two-story house level than at the one-story house level.

A neighbor pointed out to me that this job pile would be like a six story building in height.

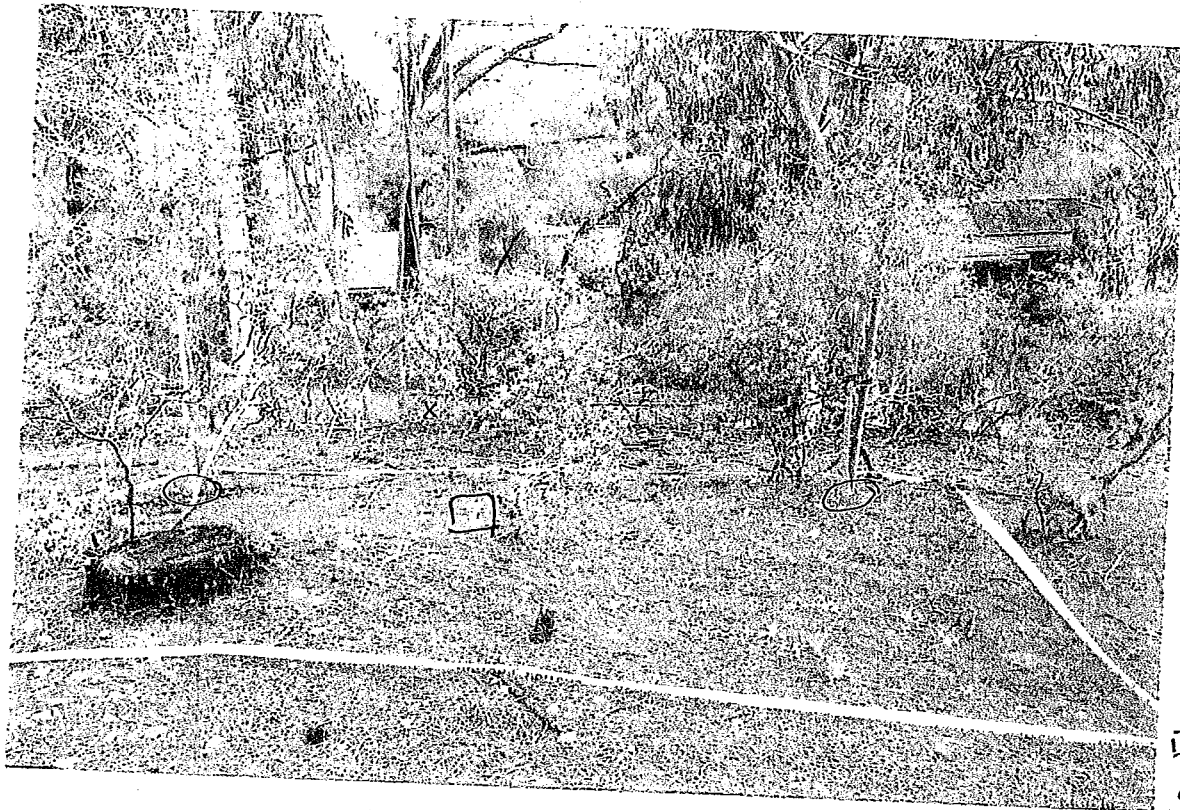
Future:

I attended a meeting at the Town Center this summer with Barbara Borer's representative. She said that our Federal government is looking into problems created by the Federal Communications Act. Many small towns are finding their goals and statutes compromised by intrusions similar to the one planned here now. Changes in this outdated law should come soon. I am requesting that this structure - if approved - be destroyed and removed within 60 days after a new law is passed. Because of many new and improved technologies, I would also like to request that no permit be given for more than five years. All landscaping should be monitored weekly. No generator noise should be heard on Saturday or Sunday even in daylight hours. Both days are religious holidays. I visited the commercial site at the Primary and there was a lot of noise. Hopefully, the town will double-check all T-Insolite's reports with non-partial experts. Many problems might solve themselves if the town would place a 5-year moratorium on this invasive use-permit.

Thank you for reading this letter.

Sincerely,
Dorine Vedder

Copies Sent: Town Council
Enclosures: 2



Our Bedroom
area

x Peak Lane

o Still small
oak trees planted
by water company
to hide tanks

□ Stake for
center of
monopine



About edge
of 8 foot
fence with
mono pine
inside

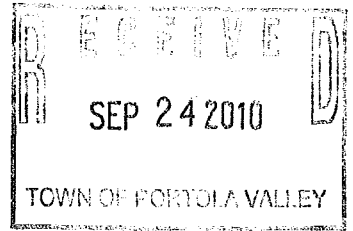


View from our front walk. The stake for the center of proposed monopine is 21 hand-measured feet back from edge of approximately 15 foot high road cut. ~~The~~ difficult to landscape or hide 8 foot fence proposed to surround stake in a 15 foot enclosure would be clearly visible from Peak Lane.

Attn: Steve Tobin, Mayor

Members of The Portola Valley Town Council

September 27, 2010



Subject Reference: Proposed Conditional Use Permit X7D-170
for Wireless Antenna Facility, California Water Tank
Property, Peak Lane and Golden Oak Drive, T-Mobile Corporation

We wish to reiterate our reasons for opposition to the proposed cellular phone antenna (Subject Reference above). Details of our concerns about the facility are included in a series of letters that were written to the members of the Architectural and Site Control Commission and the Planning Commission during the period February 4, 2010 and May 10, 2010. We strongly believe that the following abbreviated list of these concerns and pertinent conditions is worthy of attention by the Town Council.

1. The proposed site for the "monopine" antenna is approximately 100 feet from the front of our residence on Peak Lane, and the proposed enclosure is even closer. Any new structures there not only would be aesthetically obtrusive but also would degrade the residential composition of the entire neighborhood. We take exception to Mackenzie and Abritton's assertion that "...generalized concerns about aesthetics are insufficient to constitute substantial

evidence upon which a local government could deny a permit "... Furthermore, their Exhibit C (simulated photo) in their September 17, 2010 e-mail to the Town Council was taken from a single viewpoint and does not show multiple views from adjacent sites adjacent to the proposed facility. This single simulated photo is misleading and does not ... "demonstrate that the Proposed Facility can and will be screened so as to allay any concerns about the aesthetics"... as they maintain.

2. California Water Company has shirked its responsibilities as custodians of their property at Golden Oak Drive and Peak Lane. Although the company had an obligation to provide screening of the large tank by new plantings, these young trees were not properly maintained along the northern and northeastern flanks of the tank. Some of these new trees died shortly after planting, others languished from lack of care, and still others were recently removed. Future plantings may meet the same fate. Bedrock is exposed between the proposed antenna site and the water tank. Soil is very thin between the site and the top of the embankment on Peak Lane. The embankment itself is composed of bedrock. Under such conditions, plantings will be extremely difficult to preserve.

3. On p. iv of the Town's Advisory Committee Policies & Procedures Handbook (Adopted by the Town Council, March 11, 2009), the following is stated: "Committees are encouraged to develop and communicate to the Town Council recommendations under their purview that will enhance the quality of life for residents"... The proposed T-Mobile antenna facility obviously would be detrimental to the "quality of life" for those of us who reside near the site. We believe that any form of degradation of the natural environs of the town should be firmly avoided, and the town's "building green" policy should not be placed in jeopardy.

4. Because the three homes that are located on Peak Lane have front entries that face this street, it should be designated a primary thoroughfare, and new structures such as the antenna and its enclosure should be set back 30 feet or more.

5. We disagree with Mackenzie and Albritton's contention the Planning Commission's "... denial simply a proxy for real but unstated reason of neighborhood concerns of RF emissions and property values"... This judgment seems to us to be arbitrary and misconceived.

6. The Fish and Wildlife Service as well as local and National Audubon societies have demonstrated the adverse effects of radiation from telecommunication antennas on wildlife, especially birds. The Endangered

Species Act and The National Environmental Policy Act also address the impact on birds. The American Bird Conservatory has gone to court to protect birds. Egg damage, reduced nesting, altered migration routes and high mortality levels from tower-collision have been reported. One study in Belgium showed that songbirds reappeared in an area after a tower was removed. Wildlife in our town should be protected. Although the environmental impact of the proposed facility has largely been ignored, investigation of such impacts should be thoroughly implemented at the proposed site.

7. Despite a statement by the T-Mobile representative at the March 22 ASCC meeting that there are no alternatives to their designed facility, other less obtrusive types of telecommunication installations or devices are available or under rapid development. Inexpensive home-based small devices that route calls over the internet to the phone network bypass the cell-tower network altogether are now on the market.

8. Allowing the construction of the T-Mobile facility is likely to set a precedent that could lead to the installation of multiple antennae on the Water Company property. Obviously, both California Water Company and T-Mobile view it as a lucrative source of income; but any advantages that might be derived by Portola

Valley residents, particularly those near the proposed facility, are either obscure or non-existent.

9. We willingly grant permission to members of the Town Council who wish to visit the front entrance and pathway facing Peak Lane in order to gain our perspective on the T-Mobile facility site. From these viewpoints, the negative aesthetic impact will be immediately apparent.

10. In conclusion, it is truly disheartening to think that commercial enterprises may supersede aesthetic values cherished by our town

Respectfully,
John and Diane Vedder
285 Golden Oak Drive

From: Carol Sontag [carolsontag@sbcglobal.net]
Sent: Tuesday, September 28, 2010 2:01 PM
To: Sharon Hanlon
Subject: In opposition to the cell tower

Dear Town of Portola Valley,

I will not waste your time reiterating how the Sontag Family feels about the proposed cell tower at the intersection of Peak and Golden Oak. We are opposed to its placement and will do anything to support the city in taking opposition to the T-Mobile appeal to place the tower there. There are many reasons, you know them and I won't go into it again. The Sontag family urges you not to leave the door open for all of the T-Mobiles of the world to come in to our beautiful town. We can do this in more intelligent less obtrusive means and still meet the needs of the town.

Thank you,

Carol and Mark Sontag, Alyssa and Jordan

M. Kenneth Lavine
185 Golden Oak Drive
Portola Valley, CA 94028
ken@lavine2020.com
650/851-2020

September 28, 2010

Town Council
Town of Portola Valley
765 Portola Road
Portola Valley, CA 94028

Dear Council Members,

I am writing this letter to comment on the appeal to the decision of the Planning Commission denying a conditional use permit to T-Mobile for a wireless communications antenna facility at the intersection of Golden Oak Drive and Peak Lane.

One of the key issues that caused the Planning Commission to deny the permit was whether or not a significant gap in coverage exists and would be eliminated by operating the proposed antenna. I live at the intersection of Golden Oak Drive and Holden Court. This is inside the area that the proposed antenna is designed to serve. I am a user of the T-Mobile network. At the present, I obtain "two bars" (out of a maximum of 5) coverage. This is often, though not always sufficient to provide connectivity. While I don't know how many bars I'd obtain if the proposed antenna were built, it is allegedly designed to provide me with a significantly stronger signal.

A stronger signal would be helpful. Consequently, I favor your granting T-Mobile the conditional use permit.

Sincerely,

M. Kenneth Lavine

Delivered by email

From: Stephen Hansen [stephen@hansenhome.us]
Sent: Wednesday, September 29, 2010 8:23 PM
To: Sharon Hanlon
Subject: Re: Proposed T-Mobile Cell Tower on Peak Lane

To: Portola Valley Town Council

Portola Valley works hard to maintain a rural feel in its neighborhoods and as a resident I greatly appreciate the results. That being said, I also appreciate that there are concessions that may need to be made if we are also to enjoy the benefits of modern communications. The present state of cellular reception in much of the Alpine Hills area can most charitably be described as "spotty", regardless of the carrier, so I was cautiously hopeful when I heard of the proposed tower.

Hopeful, because I would very much like improved cellular reception, but cautious because of the potential negative effects of a new cell tower on the visual environment. My wife and I often walk the Golden Oak loop and the water tank at Peak Lane is a familiar landmark. Shortly after I first heard of the proposed tower, I went up to the site and spent some time wandering around the surrounding area with an eye toward its likely effects on the view. My opinion is that with some intelligent landscaping, the effects will be minimal and more than offset by the benefits derived from the improvements in communications.

My family's cell phone service is with a carrier other than T-Mobile which means that I am unlikely to benefit on a daily basis from the installation of this tower. However, I would benefit from more reliable GSM based cell phone service in case of emergencies. During our last power outage, our AT&T land-line phone failed after about three hours and was not restored until the power came back over three hours later, possibly due to exhaustion of the AT&T's battery back-up system. Because of the poor cell reception in the area, we and much of the neighborhood were pretty much out of touch unless you wanted to go out into the storm to search out a working phone. We live in an area where the potential for emergency situations due to fire, flooding, strong winds, and earthquakes are a bit higher than most. I'd feel better if an alternative method of telephone communications was available.

Over the past several months I have listened to and read many of the objections to the proposed cell tower application. Many do not bear up to close scrutiny, but it is true that a few nearby homes will have a view of the pole from some point on their property (although I would think that the proposed cell pole is likely to be rather insignificant next to the multi-thousand gallon water tank already present). The mitigation of the presence of a 50 or 60 foot pole will require on-going attention to the trees and shrubs planted around the site. The track record of California Water Service in this regard is not one to inspire confidence, but concluding an agreement with T-Mobile that includes explicit requirements and penalties for non-compliance might actually improve the status quo.

I would like to encourage the to Town Council to take this opportunity to either grant the application the application or at least direct the Planning Commission to review and reconsider its earlier decision regarding this proposal.

Sincerely,
Stephen E. Hansen
380 Golden Oak Dr.
Portola Valley

From: Greg Corrales [gicorrales@me.com]
Sent: Wednesday, September 29, 2010 9:22 PM
To: Sharon Hanlon
Subject: Fwd: October 1st Deadline for T-Mobile Letters

We're in favor of letting T-Mobil put up their tower on Peak.

Max Paley
Greg Corrales
410 Golden Oak Drive
529-1068

Sent from my iPad

Begin forwarded message:

From: Virginia Bacon <vcbacon@gmail.com>
Date: September 27, 2010 10:48:44 PM PDT
To: Virginia Bacon <vcbacon@gmail.com>
Subject: **October 1st Deadline for T-Mobile Letters**

Hello, Neighbors

T-Mobile has filed an appeal from the Planning Commission's July 7th decision denying the company's application for a new cell tower near Peak Lane.
The Town Council will hear the appeal on October 13th at 7:30 p.m., in the Community Hall at Town Center.

T-Mobile has provided documentation in support of the appeal on September 15th.
The materials are available for download via the Town's website, www.portolavalley.net

<https://portolavalley.net/Modules/ShowDocument.aspx?documentid=3813>

Residents should submit their responses to the T-Mobile appeal by Oct. 1.

This will enable the preparation of a record for the Town Council's review prior to the Oct. 13 hearing.

Yes, that's this Friday!

Don't wait.

Comments should be e-mailed to Sharon Hanlon, Town Clerk, at shanlon@portolavalley.net.

----- Forwarded message -----

From: **Janet Baumgartner** <baumgartner215@gmail.com>

Date: Thu, Sep 30, 2010 at 4:42 PM

Subject: Proposed Cell Tower on Peak Lane

To: shanlon@portolavalley.net

Dear Ms. Hanlon:

I am writing to you today to go on record requesting that the town does not permit T-Mobile or any other cell provider to erect a cell tower on the water company property located on Peak Lane.

I am opposed to such towers for several reasons, two of which I present to you:

1. No matter what their construction they will be an eyesore, to both the residents of Peak Lane as well as anyone who would have to look at them from either a more distant property or simply walking or driving by. It is beyond comprehension how they can be hidden, disguised, etc. so to not be an unseemly, ugly blot on the otherwise beautiful, natural environment which we strive to maintain in this very special community.
2. The concept of coverage gap, which is the argument brought forth by T-Mobile as their reason for wanting to erect this tower is definitely questionable. There were significant concerns voiced as to the inaccuracy of the arguments presented by and on behalf of T-Mobile.

I have read a very few emails on the Portola Valley Forum written by residents who state their need for cell phone coverage in the event of being cut off in some significant emergency. That can nicely be solved by simply having a land line. I have been a land line customer of AT&T and PacBell before that for decades, both here and elsewhere and have not once had a single disruption of service. Another solution for those residents would be phone service over internet connection.

Finally, a few more words regarding the supposed significant coverage gap. T-Mobile keeps stating they want to fill in the purported gap, to provide service etc. etc. etc. Well, we all heard the real reason T-Mobile is pushing so hard for this cell tower at one of the town hearings. What they said was THEY HAD PAID FOR THE RIGHTS TO PROVIDE CELL COVERAGE IN THE AREA, AND IF THEY DID NOT EXERCISE THOSE RIGHTS ANOTHER CELL PROVIDER COULD COME IN, AND ESSENTIALLY USURP THOSE RIGHTS FROM T-MOBILE --hence T-Mobile would have paid for something it could no longer use.

One final note on this: when I moved to Portola Valley some years ago there was virtually no cell coverage at my home. Since then, with the advent of newer cell phones, I now have good coverage. It was as simple as that.

I truly hope the town will take into consideration the desires of the majority of the community when it makes its decision. Thank you for your attention to this matter.

Yours truly,

Janet Baumgartner

Janet Baumgartner
215 Golden Oak Drive,
Portola Valley

To: Sharon Hanlon
Subject: RE: letter to the COuncil

----- Forwarded message -----
From: **Brad Payton** <bdotduh@yahoo.com>
Date: Thu, Sep 30, 2010 at 9:09 PM
Subject: letter to the COuncil

September 29,2010

Honorable Portola Valley Town Council;

Please honor the planning commission's decision on the cel tower.

From pictures that I have seen this cel tower would be very close to homes, gardens and as well as personal space.

The community expressed their concerns to the Planning Commission as did the applicant.

Please deny this application.

Thank you for you commitment to our town and citizens.

Brad Peyton
Brookside drive
Portola Valley

Cell Tower Opposition Letter

Janet Lorenzen [janetlorenzen@yahoo.com]

Sent: Thursday, September 30, 2010 8:42 PM

To: TownCenter

October 1, 2010

Ms. Hanlon

re: Cellphone Tower on Peak Lane.

We are 10+ year residents of Portola Valley, and active in numerous community activities for the town, its schools and POST. We also are very familiar with the area in question as we live within a mile of it and routinely drive by it.

We have followed the considerable discussions on this matter, and indeed, have heard what we believe to be the strongest arguments in favor and against this cell tower.

With all that in mind, we believe that (1) the particular circumstances of the close proximity of the site to actual residences is just wrong, and (2) the merits of having this tower are marginal while the undesirable aesthetics and other impacts are tangible, and in turn, we are against this installation of this tower.

So that is our factual argument and here is our more heart-felt objection....

We find it rather surreal that this is even being considered in the rural community we were so excited to find so many years ago. Reading the town philosophy years ago is what hooked us. This tower and the specific circumstances around it, flies in the face of this philosophy. **A 50+ foot fake pine tree in our gorgeous hills – RIDICULOUS!**

Preliminary discussions have begun regarding a possible stoplight installed on the 280 corridor near our town entrance in the next couple years due to possible Stanford expansion – people are against this, where no homes will be affected. A cell tower, to increase revenue, was rejected at one of our school sites because of the possible effects. Our trails committee and Town Council are wrangling over verbiage to make sure that our children and horses have equal rights to the trails along our main road, Alpine.

Regardless of where a resident stands on any/all of the above matters, it is a sign of health and interest for community members to have an opinion. It is clear that there is a lot of interest and debate in how our community's intent to maintain a rural atmosphere can be achieved in a compromised fashion. T-Mobile has a corporate agenda indifferent and unrelated to Portola Valley, which is not in keeping with our town's philosophy or the way in which we embrace local business. WE live here, not T-Mobile. Perhaps the town can make a reach out and identify the few T-mobile users where this is an issue, and we can encourage them to change to another carrier; we would be willing to help fundraise for the charges they incur changing carriers if this is necessary.

Sincerely,

Janet L. Lorenzen & J. Neil Weintraut

15 Cordova Court

Portola Valley, CA 94028

To: Portola Valley Town Council via email to shanlon@portolavalley.net

Reference: T-Mobile application for a cell tower site on Cal Water property on Peak Lane and Golden Oak Drive

September 30, 2010

Dear Council Members,

As one of the class of users who would receive "in building" coverage according to the T-Mobile suggested coverage maps, I can truthfully say that I don't suffer from a "significant gap" in coverage. This is because the assumption is made that if the service is provided that I will use it. That is not the case. This is not a technology question.

It's a question of what products and services customers want and will use. T-Mobile has never contacted me or anyone who has worked for me, nor, I suspect the other residents (and their workers) who would receive "in building" coverage for the proposed services.

Without verifying a market need, the T-Mobile proposal confirms a significant fallacy in their argument about a "significant gap" in coverage.

The T-Mobile proposal violates our General Plan, Zoning Ordinance and Municipal Code requirements which mandate businesses to show that they are providing services the community wants and needs and that "all buildings should be subordinate to their natural surroundings in size, scale and siting."

This proposal also shows the lack of understanding Cal Water has about its responsibilities to our community. Cal Water has a monopoly on the regulated public service they provide. T-Mobile does not. It is a global enterprise that does not have the same level of responsibility.

Since Cal Water, particularly in landscaping and upkeep, does not honor the CUP conditions, how can we approve a proposal by a third party on their lands?

No proposal should be entertained until and unless Cal Water has rectified discrepancies in the implementation of their CUP.

I feel Cal Water should be the responsible party for any and all CUP's on their lands rather than T-Mobile. Cal Water needs to be accountable and the Town needs to be protected against CUP breaches particularly from noise levels, lighting spill, disturbance of wild life corridors, footpaths or maintenance issues which arise from use of Cal Water lands buried within residential neighborhoods.

Alternate technologies are or will soon be available to provide wider cell phone coverage in hilly regions, such as the combo cell/satellite phone recently announced by AT&T.

There are other lands, such as the Stanford Wedge, Jasper Ridge and in Santa Clara County that could be used to supplement coverage. None of these locations were discussed in the T-Mobile response even though they are, by and large, removed from residential areas.

Traffic counts on Cervantes struck me as odd. If they were analyzed, I'm sure you'd discover many trips by parents and nannies, most of whom don't use T-Mobile services, driving children to and from school and activities. Traffic counts alone are not an accurate measure of service needs or gaps in service.

The bigger question of what to do about improving cell phone coverage and proliferation of more facilities has yet to be approached, particularly when power lines are undergrounded. We need new policies for the larger question, but, in doing so, we need to be true to our values and find a balance between growing needs for new technologies and the environment.



We don't want to rob Peter (the Cal Water site which is arid, rocky and full of declining Monterey pines and chaparral) to pay Paul, Cal Water in this case, for separate

"privately operated" out of scale non-essential service structures and tall fenced equipment areas. Our fragile semi-rural, residential neighborhoods are part of the fabric and character of our Town. They need to be preserved, not compromised.

I urge you to support the Planning Commission's decision to deny the T-Mobile proposal.

Virginia Bacon
205 Golden Oak Drive
Portola Valley, CA 94028

Robert Nebrig
20 Granada Ct
Portola Valley, CA 94028

Portola Valley Town Council
Sharon Hanlon
Town Clerk
Portola Valley, Ca 94028

Response to T-Mobile Appeal of
Planning Commission Decision Denying Permit.
Town Council Agenda October 13, 2010

September 30, 2010

Dear Members of the Town Council:

I have lived in Portola Valley 32 years and appreciate your reading this response to the T-Mobile Appeal. The Planning Commission did the right thing in denying the T-Mobile Permit Application.

T-MOBILE HAS NOT PROVED THERE IS A SIGNIFICANT GAP IN
COVERAGE

T-Mobile has the burden of proof to show there is a significant gap in cell phone coverage which will be alleviated by building a cell phone tower near the water tank on Peak Lane. T-Mobile attempted to meet this burden by presenting the declaration of one of its employees, William Daugherty. Unfortunately, Mr. Daugherty uses misstatements and exaggeration in an effort to prove there is a significant gap in cell phone coverage.

ONE QUARTER OF PORTOLA VALLEY'S POPULATION DO
NOT LIVE NEAR THE PEAK LANE WATER TANK

Mr. Daugherty represents to the Council that 1366 people, which he says is one quarter of Portola Valley's population, live within the proposed coverage area of one square mile. Mr. Daugherty tells us we should therefore believe there is a coverage population gap. You and the rest of us who live in Portola Valley know 25% of our residents do not live close to the water tank.

THIRTY THREE PEOPLE DO NOT LIVE IN EACH HOUSE IN THE COVERAGE AREA

Mr. Daugherty provided a map of the proposed coverage area for buildings. I counted the houses in the coverage area using Google Satellite imaging. There are only 41 residences. Mr. Daugherty wants us to believe that 1366 people live in those 41 houses. It is absurd to suggest that 33 people live in each house.

IT IS NOT TRUE THAT 400 RESIDENTIAL PARCELS WILL BENEFIT FROM THE T-MOBILE TOWER

Mr. Daugherty claims that 400 residential parcels will benefit from the E911 locator capabilities. Mr. Daugherty says these capabilities will extend .6 miles in all directions from the tower. The tower will provide service to an area of over one square mile. Thus, according to Mr. Daugherty, there is a Geographic Gap which will be filled.

The actual number of residences in the proposed one square mile coverage area is 41. It is not 400,

COVERAGE ON CERVANTES ROAD IS INSIGNIFICANT

Mr. Daugherty says there will be reliable service on Cervantes Road. He is evidently thinking of the court opinion cited by the T-Mobile attorney which mentions filling a coverage gap on a "significant commuter highway".

The coverage map shows that only 2300 feet of Cervantes will be covered. That is insignificant.

T-MOBILE PROBABLY HAS A HIDDEN AGENDA

The small coverage area and the limited households served will not repay T-Mobile for the construction and rental costs of the tower. Of course it is not the role of the Council to second guess the business decisions of T-Mobile, but if it doesn't make sense an alarm bell should sound and the Council should be skeptical and cautious.

OVER RULING THE PLANNING COMMISSION AND
GRANTING THIS PERMIT WILL CREATE A PRECEDENT WHICH
WILL LEAD TO TOWERS THROUGHOUT THE TOWN

If the Council concludes that there is a significant gap in coverage when 41 houses don't have cell phone service or when there is one square mile without coverage, there will be no stopping T-Mobile and the other cell phone companies from erecting numerous towers all over Portola Valley. As counsel for T-Mobile pointed out, the town can not discriminate among carriers. If T-Mobile gets a permit all the other cell phone companies will have to be granted permits wherever they claim a few houses or square mile areas are not covered. The water tank tower coverage area will be the standard by which a coverage gap will be measured for every company that wants to build a tower in Portola Valley.

Zoning laws will not protect the town. The T-Mobile attorney cited a case which said local land use laws can not be grounds for denying a permit. Thus, any home owner who wants to rent space to a tower will be legally allowed to do so.

CONCLUSION

Please do not over rule the Town's Planning Commission. T-Mobile did not convince them there was a significant gap, and T-Mobile should not be able to convince you.

Sincerely,

Robert Nebrig

From: gene chaput [genechaput@sbcglobal.net]
Sent: Friday, October 01, 2010 10:00 AM
To: Sharon Hanlon
Cc: vcbacon@yahoo.com; Susan Chaput
Subject: Re: [PVForum] Tomorrow is the last day for T-Mobile letters to Town Council
Attachments: Re_ TMO in Portola Valley.eml

Hi Sharon -

Below is the email I sent to the Planning Commission after the vote to nix the T-Mobile tower. We are NOT in support of the tower location (Peak Lane) as proposed by T-Mobile. Question the Council should ask is how many residents use or would be interested in using T-Mobile services vs. other providers? Don't feel there is even a need for T-Mobile in PV. Please pass on to the Council. Thanks. Have a great weekend.

g/

"To the Honorable Portola Valley Planning Commission:

Just want to extend a thanks and kudos for genuinely listening to the comments of local residents re:the proposed T-Mobile antenna tower at Peak Road (California Water Property) and voting appropriately to deny the requested use. It is heartening to see a volunteer group being so responsive (and objective) to the needs and concerns of its neighbors and fellow residents. It is certainly our sense that the needs of the community were met and the corporate interests took a back seat to individual common sense and quality of life sentiments. Although it was a marathon meeting, the outcome certainly was worth giving everyone a voice and taking those well-thought out comments to yield an agreeable consensus. Again thanks ... you are, indeed, a noble group."

Sincerely,
Sue and Gene Chaput
358 Alamos Road

----- Original Message -----

From: Susan Chaput
To: Gene Chaput
Sent: Thursday, September 30, 2010 8:36 PM
Subject: Fw: [PVForum] Tomorrow is the last day for T-Mobile letters to Town Council

--- On Thu, 9/30/10, Virginia <vcbacon@yahoo.com> wrote:

From: Virginia <vcbacon@yahoo.com>
Subject: [PVForum] Tomorrow is the last day for T-Mobile letters to Town Council
To: PVForum@yahooogroups.com
Date: Thursday, September 30, 2010, 5:30 PM

Just a reminder that tomorrow is the last day to get letters into the Town Council for their October 13th meeting on the T-Mobile appeal of the Planning Commission's decision to deny the application for a T-Mobile facility on Cal Water Property at Peak Lane and Golden Oak Drive.

Sharon Hanlon, Town Clerk, is collecting the letters, but something seems to be wrong with her email address since she's didn't receive a letter I sent her this afternoon.

Sharon has suggested trying this address instead: towncenter@portolavalley.net.

Against tower installation

Against tower installation

Carol Kornfeld [capekorn@sbcglobal.net]

Sent: Friday, October 01, 2010 9:58 AM

To: TownCenter

Please do not reverse the decision prohibiting the erection of a cell tower in close proximity to a residence. Cell usage is not an essential. Here at Portola Valley Ranch many homes (including mine) do not have cell phone reception due to the location. We seem to survive very well! Regarding emergencies, we have an emergency set-up amongst all areas on the Ranch so that communication is not disrupted. Further, this installation would set a precedence for other towers to be installed in residential areas.

Carol Kornfeld
3 Wintercreek

Subject: FW: T-Mobile

----- Original Message -----

Subject: T

Date: Fri, 1 Oct 2010 07:12:45 -0700

From: Gary Fanton <gfanton@sportsmed.com>

To: Gary Fanton <gfanton@sportsmed.com>, gary fanton <gfanton@stanford.edu>

Dear Mayor Toben and Council Members

Without question, you have a very important decision to make soon regarding T-Mobile's appeal to erect a 60 ft antenna on the Cal Water property at Peak Lane and Golden Oak. I have read the letter submitted by MacKenzie and Albritton, the legal firm representing T-Mobile. Although I would submit that there is case law supporting some aspects of the growth of wireless communication technologies, this letter submitted to the town council substantially misrepresents the spirit of our town's process of review and the environmental and visual impact that would surely violate our town's plan to respect the rural residential nature of our community.

In fact, I would like to start with that premise...that T Mobile does not even consider the value of the rural atmosphere we have worked so hard to protect. T Mobile, in describing it's coverage area, states that the tower will cover the substantial hiking, biking, and equestrian trails that are prevalent in this area and that there is not a single commercial structure within the entire coverage area, yet in it's argument for signal gap coverage on page 7 the company argues that our own planning commission "is in error" in how it characterizes the town of Portola Valley as rural...and that by definition we are urban. This may sound like a moot point, but it clearly represents T-Mobile's complete lack of sensitivity and understanding of the communities they are legalistically bullying their way into. They play two sides of the same coin...you are rural and need our coverage gaps filled (to save the lives of bicyclists and hikers), but you are urban and therefor your argument for maintaining a rural residential atmosphere is invalid.

The issue of gap in coverage certainly becomes important here. Not one individual has asked for T-Mobile's antenna...not one, verbally or in writing...and this was cited by our planning commission. Does this not ultimately define gap...a gap in perceived need, not a gap in service that T Mobile can sell service in? Their own website map shows this area to be adequately covered. Is this false advertising if there truly is a gap? If a gap exists, is it not based on the number of household served? The company has argued that the service area will extend 3000 feet in all directions, serving 400 parcels. Has anyone confirmed that this many homes are located within 3000 feet of Peak Lane? Even so, the definition of gap is poorly defined, as many of us receive signal in our homes already and future technologies, such as 4G, may offer more widespread coverage.

I will not personally attempt to argue the legal definitions of gap, adequate coverage, alternative technologies, etc. I am not a lawyer nor a technology expert. T-Mobile has obviously positioned it's legal team to attack these here and across the country against municipalities who otherwise don't have the expertise or funds to win these arguments. And maybe the lobbying efforts in Washington in 1996 gave these companies the "federal protection" to put an antenna practically anywhere they want with total disregard for the sentiments of the community. In 1996 the FCC probably poorly understood the future growth of this technology and how the telecom companies would use the decision for legal posturing. Many of us are unconvinced that current or upcoming alternatives have been adequately explored. In one ASCC meeting, femtocells that are offered by other carriers were dismissed because T Mobile does not offer them. That's like a surgeon denying the need for an appendectomy because he doesn't perform them!

But the federal government did wisely allow towns to determine the appropriateness for

the specific location of antennas and equipment. In other words, IF the site is appropriate, then the cell company may have the right to place an antenna subject to some of the arguments made by T Mobile. This is where T Mobile clearly misrepresents the findings of the Portola Valley ASCC and the Planning Commission. The ASCC found this site unanimously to be unacceptable after 2 site visits, as did the planning commission (with only one dissenting vote). It was noted by members of these commissions that, in fact, Cal Water, the stewards of this property, are probably already in violation of the CUP. The site is in disrepair, many of the tall screening trees are dead or dying, and the soil is terrible for growth and irrigation. Sick trees are a fire hazard, harbor disease and pests, and are unsightly. Somehow T Mobile in it's letter to the town is trying to place a positive spin on the arborist's report. In fact, the arborists were quite clear that the vegetation is poorly maintained and the suggestion that new planting will hide the structure adequately is ludicrous. Some of the suggested plants are not endorsed by the ASCC, such as redwoods, and some trees such as live oaks are very slow growing. I am very aware of the challenges in maintaining this property. Our property is immediately adjacent to the proposed site. We have the same soils and the same terrain. We have the same types of trees. And we use the same arborist that was chosen for independent evaluation. That arborist has already removed from our property eight of the exact same 50ft pines of the same size and age as those on the water property despite our deep feeding and weekly landscape maintenance. These tall screening trees on the water property will certainly die soon. What then? An exposed 60ft tower.

If passed, who will be responsible for the vegetation and screening? The CUP I feel puts the burden on the land owner who has clearly demonstrated neglect and lack of responsiveness. In fact, throughout the many town hearings regarding this very important matter, the neighbors and T-Mobile showed up repeatedly in full force. CAL WATER SHOWED UP ONLY ONCE to the ASCC meetings! It is apparent that they have little interest now in what the site conditions are or how the antenna tower will impact the property and neighborhood, and it is reasonable to assume that they will be equally irresponsible if the antenna tower is approved. I would also like to know why T Mobile has recently had further meetings with the "independent arborist" without the reports of this meeting made public until now. The report looks like a proposal for suggested work...hardly the responsibility of an independent party who has been asked to comment on conditions and viability of vegetation. Are they an "independent consultant for hire"?

In summary, it is clear to anyone who knows this property, soil conditions, maintenance history, and environmental exposure that the proposed site will not reasonably support a 60 ft antenna tower and supporting equipment structure. The ASCC knows it, the Planning Commission confirmed it, and the neighbors all have experience with the poor performance of Cal Water on maintaining this site. At a minimum this antenna tower placement location should be denied until (and if) the water company can guarantee that it can and will uphold the responsibilities of the CUP. The neighborhood could easily be staring at a completely exposed 60ft industrial structure in just a few years or less. A minimum 5 year track record by Cal Water should be established to maintain the site and encourage vegetation...they have the ultimate responsibility here. And just like we don't let children drive cars or play with matches until they can demonstrate responsibility and maturity, likewise Cal Water now has that burden.

Should the town be compelled to approve the T Mobile proposal, I trust that there will be further hearings to clearly define the parameters under which the the antenna will be erected, the site monitored for vegetation concerns, remedies defined for failure to perform, and structure removal should the technology become obsolete. This should also anticipate a situation such as T Mobile becoming financially insolvent, or newer technology becoming available that would be less intrusive visually (eg satellite). I presume also radiation, noise, and light pollution will be closely monitored.

Thank you for keeping the concerns of the neighborhood and the town plan as your top priorities.

Respectfully,
Gary S. Fanton, M.D.
265 Golden Oak Dr.

Subject: FW: Phone - poles

From: Marie [wit.wisdom@comcast.net]
Sent: Friday, October 01, 2010 9:02 PM
To: TownCenter
Subject: Phone - poles

from C and M Margolin 210 willowbrook PV

Would love to have phone coverage in the valley but not at the cost of having phone poles in residential neighborhoods. Since everyone insists that this is not a medical challenge then lets put them in corner of school fields or town center or the edge of open space or town parking lots even though they might need to be higher.

Though are we sure about medical challenges associated with the "poles". These should not be located on or adjacent to homes.

If we do decided to do this, then T Mobile should give each home owner nearby the \$500,000 decrease in the home value.

Thank you for considering my concerns

PV homeowner who doesn't want one in my back yard

the margolins

From: Amy Gurley [agurley@BENCHMARK.com]
Sent: Friday, October 01, 2010 11:06 AM
To: Sharon Hanlon; TownCenter
Subject: T-Mobile Cell Tower on Peak Lane

Ms. Hanlon,

We have read the document in its entirety from T-Mobile regarding the proposed cell tower near Peak Lane and would like to be on the record as supporting the tower.

As we have followed this issue (as well as the renewal for the tower at Woodside Priory), it appears to us to be largely an aesthetic issue. In our opinion, these towers are no more an eyesore than any of the current utility poles that already exist all around Portola Valley. In the 7-1/2 years that we have been a very close next door neighbor of the Priory, we never even knew the towers existed there until PVSD Schools considered putting one up at Corte Madera and folks started complaining about the appearance and the possibility of harmful radiation associated with their proposal to have one erected. In fact, we still haven't seen anything that looks like a cell tower to us from our property at the Priory. We have both driven by the area on Peak Lane as well as have seen the photos posted on the PV Forum and it just doesn't appear to us that a cell tower here is going to make a consequential difference in the way this area currently looks. On that basis, we don't feel that an aesthetic argument outweighs the progress of having better cell coverage in this area because, quite frankly, the cell phone coverage in this area is lacking.

Additionally, we do not buy into any argument that the tower might emit harmful radiation. The American Cancer Society has stated on their website answering the question specifically "Do cellular phone towers cause cancer?" that it is unlikely. Again, using the reference of having lived next door to the Priory for 7-1/2 years, neither of us or our 3 children have ever had any questionable illnesses at all, much less anything that might be related to emissions from a cell tower. Neither have we heard that there is an uncommon number of children who attend Priory or faculty who work there who have or have had these types of illnesses. Here is the link on ACS's website addressing the question:
<http://www.cancer.org/Cancer/CancerCauses/OtherCarcinogens/AtHome/cellular-phone-towers>.

Finally, the cell phone network in this country, and amazingly, in Silicon Valley, is an embarrassment. We all suffer from complaining about dropped calls and poor Internet access, yet most of us aren't willing to stand up and say "Yes! Put the pole in my yard." Well, we essentially have one in our backyard and it has gone completely unnoticed for 7-1/2 years, except for the excellent cell coverage we receive.

Respectfully,
Amy and Bill Gurley
188 Georgia Lane

Marty Tenenbaum
25 Alhambra Court

October 1, 2010

Dear Mayor Toben and Council Members

I am writing to suggest a win-win resolution to the impasse with T-Mobile, which preserves the rural Portola Valley we love, while providing the state of the art communication services we need.

I moved to Portola Valley 30 years ago because I craved a sanctuary from urban living. In doing so, I made a conscious choice to forgo modern amenities such as cable television, high speed Internet, and reliable cell-phones. We eventually got cable and high speed Internet, in each case nearly a decade after they were first available in urban centers. In each case we got stuck with trailing-edge technology that was already being displaced in cities by the next generation. History is about to repeat itself with T-Mobile's proposal to upgrade our cell phone coverage using a 1990's era solution.

T-Mobile has identified a legitimate problem. However, erecting an unsightly 60 foot tower with multiple antennae in the middle of a rural residential neighborhood is surely not the correct solution – not in 2010, when a new generation of cellular infrastructure, built of microcells and mesh networks, is poised to transform the cellular landscape.

T-Mobile's proposed tower may be the least expensive solution today, but it is also the least desirable aesthetically and technologically. Aesthetically, the proposed tower is akin to erecting a 60 foot shower head in the middle of a beautiful garden when drip irrigation (i.e., a network of micro cells) would do the job better. Technically, the next generation of high speed mobile services will require microcells so that spectrum can be reused across a community. Erecting a tower will lock us into a 1990's solution for the next quarter century.

T-Mobile objects that micro-cells compromise in-house coverage. Surely individual homeowners should have the final say over whether they desire such

coverage in their homes. If they do opt for coverage, there are good technology alternatives available today such as RF signal boosters available for a few hundred dollars from Radio Shack and others, or an in home microcell that connects cell phones to the grid through the Internet (ATT sells one for \$150).

Whatever the decision, it must be made in the context of a Communications Master Plan. Approving this particular cell tower puts us on a slippery slope: how many other towers will T-Mobile need to achieve full coverage? How about the five other carriers licensed in this area? (what are their gaps? Where will they need towers?). On the other hand, a decision to put micro-cells on phone poles begs the question of what to do if and when we underground the existing utilities and remove the poles.

Across the nation, T-Mobile and competing carriers are waging a war with communities like ours. It doesn't have to be this way. With your visionary leadership, we can establish Portola Valley as a model city, partnering with the major wireless carriers to design and pilot a wireless infrastructure that will give us WORLD CLASS, next-generation services without unsightly towers. Who better than Portola Valley to show everyone how this can be done? We have committed residents with the resources and expertise, as well as unique access to Silicon Valley's leaders, many of whom live in our community. The entrepreneurs among us crave challenges like this and turn them into business opportunities. We also have access to pioneers in mesh networks at Stanford, the University of California, and SRI. I've spoken with many of them and they're eager to help.

I implore you to take a stand. Let's respond to T-Mobile with a good faith offer to work with them on a win-win solution – creating a cellular infrastructure that provides next generation services without unsightly towers. The first step is committing to a Communications Master Plan, perhaps by setting up a subcommittee of the planning commission. I'm prepared to commit personal time and resources to help make this work, and I'm confident my neighbors will too.

Sincerely,

Marty Tenenbaum, Ph.D.

T-Mobile cell phone tower

Curt Engelhard [curte1@earthlink.net]

Sent: Friday, October 01, 2010 12:53 PM

To: TownCenter

Cc: PVForum@yahoogroups.com

Views and open space are among the key reasons many of us move to this great area.

In an attempt to understand details of the tower issue, with every intention of using the information to provide formal data in opposition to the tower, I walked up to the water tank on Peak Lane.

From the tank hill it is possible to see two windows on the property at 10 Peak Lane. One is a small window, possibly a bathroom in the main house. The other is a larger window in the back building. It looks out on a work yard, including a large collection of tools and a portable outhouse. Its view is partially obstructed by two sheds. On the water tank side of the property line, a substantial row of trees creates a dense border.

This is a beautiful property and the owners are correct in seeking to preserve it, but my short walkthrough suggests that adding a cell phone tower on the tank property will not impact the owners.

Before embarking on a significant litigation effort, I recommend that the Town Council:

- 1) Hire a contractor to provide an independent evaluation of aesthetic impact and, if appropriate, make mitigation recommendations. There are certainly issues that I did not observe and it would be helpful to have a complete and independent perspective on the problem.
- 2) Poll wireless companies and other utilities to assess the risk that other properties become subject to aesthetic degradation at some future date. Resulting information might justify the cost of establishing a legal precedent for blocking future installations.

Regards,
Curt Engelhard

Subject: FW: [PVForum] T-Mobile cell phone tower - Engelhard

From: Prop [rentalreply@aol.com]
Sent: Friday, October 01, 2010 7:36 PM
To: Curt Engelhard
Cc: TownCenter; <PVForum@yahoogroups.com>
Subject: Re: [PVForum] T-Mobile cell phone tower

I was driving down San Antonio Road in Los Altos and noticed the huge uncamouflaged communications tower they have at the police station. I like its stark honesty, not trying to hide its utility. Just an opportunity for those who care to compare it to the hideous fake pine antenna along 280 where Arastradero Road crosses under 280.

Carol E.

Sent from my iPad

On Oct 1, 2010, at 12:53 PM, "Curt Engelhard" <curtel@earthlink.net> wrote:

Views and open space are among the key reasons many of us move to this great area.

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- 1) Hire a contractor to provide an independent evaluation of aesthetic impact and, if appropriate, make mitigation recommendations. There are certainly issues that I did not observe and it would be helpful to have a complete and independent perspective on the problem.
- 2) Poll wireless companies and other utilities to assess the risk that other properties become subject to aesthetic degradation at some future date. Resulting information might justify the cost of establishing a legal precedent for blocking future installations.

Regards,
Curt Engelhard

----- Forwarded message -----

From: **Bill Kelly** <kellydpw@gmail.com>

Date: Sun, Oct 3, 2010 at 10:48 PM

Subject: T-Mobile CUP Application

To: shanlon <shanlon@portolavalley.net>

Please add this letter to the record of this proceeding. I'd appreciate receiving confirmation of your receipt. Thanks.

Dear Mayor Toben and Council Members,

Our home is at 10 Peak Lane and is one of the properties immediately adjacent to the proposed cell tower site. We have been actively involved in the review process at the ASCC and Planning Commission, and have submitted several letters that are part of the record and that we ask you to consider in the context of T-Mobile's appeal. We will not repeat the points made in those letters. We also will not attempt to restate the points made in the compelling letter submitted by our neighbor Dr. Fanton and many of our other neighbors. But here are a few additional points that we hope you will consider.

1. The ASCC and Planning Commission decisions are based on thoughtful process and substantial evidence. Both the ASCC and the Planning Commission reached their decisions after multiple meetings on and off-site, several rounds of submissions by interested parties and retained experts, and the advice of attorneys for the Town. The grounds for their decisions are well within the discretion afforded by the federal Telecommunications Act. In particular, the Planning Commission's finding that there was no evidence of a "significant gap" in coverage is grounded in a close review of the coverage maps supplied by T-Mobile itself. T-Mobile is forced to concede in its appeal that under applicable case law the determination of the "significance" of a gap is highly fact specific and based on "the totality of the circumstances". This is precisely the view that the Planning Commission, as the finder of fact, took in its decision. The gap, such as it is, affects a small number of people and an even smaller number of residents. The Commission's view that this was not "significant" is entitled to respect.

2. Cal Water's negligent maintenance of the site for many years, in violation of the existing CUP, is itself a reasonable basis on which to deny the T-Mobile application. The ASCC and Planning Commission members have walked the site and seen with their own eyes what T-Mobile's fanciful "photo simulations" are intended to obscure: Cal Water's decades of absentee management have resulted

in a desolate monoculture of dying trees that are incapable of shielding a five or six story fake tree. The supplemental McClenahan report only confirms this conclusion, as it states that the pine trees that today would provide the principal cover "are likely to continue to decline", and that the redwoods that would be planted in their place, even though they would be the fastest growing tree in the area, would grow only "12 inches per year". A foot per year! The outcome here is not only predictable: it is in fact predicted by the experts. Even assuming compliance with the proposed CUP, fast forward a few years and we will be left with a 50-60 foot fake tree that would dwarf the cluster of immature redwoods and even smaller coastal oaks that T-Mobile would propose to plant. And based on Cal Water's established disregard for its permit obligations it is optimistic indeed to expect that they will comply with the CUP.

T-Mobile's response to this point is based in equal measure on arrogance and cluelessness. The appeal instructs us that Portola Valley is in fact "urban", and that the project would "*improve*" (their italics) the site. But even the appeal concedes that the Town will be well within its rights if it acts on "specific reasons that are both consistent with the local regulations and supported by substantial evidence in the record." Specific reasons? Substantial evidence? Cal Water's decades of noncompliance are well documented in the record and were not denied by Cal Water itself on the sole occasion in which it chose to participate in this process. If Cal Water had maintained the property differently all these years, maintaining a diversity of plant species and maturities, the record might be different and the visual affront of a huge tower might be mitigated. But the facts are what they are. The current derelict state of the site is precisely the kind of site-specific local condition that the Telecommunications Act rightly leaves to local authorities to consider.

3. If the Council grants the T-Mobile appeal then the application should be remanded to the Commission to consider substantial additional conditions. Given the Commission's decision it did not need to reach the question of what conditions would be attached to the permit. But if a permit were to be considered there would need to be significant additional work to consider matters such as the landscape plan, shielding (including potential undergrounding) of the base equipment, ongoing monitoring of compliance and of the likely obsolescence of the technology, and bonding requirements. These matters would need to be considered on the basis of a fuller record with an opportunity by the community to participate.

Thank you for your consideration of this letter, and for all you do to preserve the character of our Town.

Mary Jane and Bill Kelly
10 Peak Lane
wmk13@columbia.edu

--
Bill Kelly
wmk13@columbia.edu

OCTOBER 5, 2010

TO: PORTOLA VALLEY TOWN COUNCIL

FROM: Jeanne Kunz, 235 Golden Oak Drive, Portola Valley

RE: October 13th Agenda Item re Conditional Use Permit to Erect Cell Phone Tower at the corner of Peak Lane and Golden Oak Drive

This CUP application is based upon a perceived, but as yet undefined "significant gap" in cell phone coverage in Portola Valley. We are left wondering, "Who should determine whether there is a 'significant gap' in cell phone coverage in Portola Valley? And who should define it?" Can anyone, anywhere make this decision for us? It stands to reason that only the community of Portola Valley itself can and should make such determinations. Therefore, I urge that the Town Council authorize a community-wide study to be conducted to enable us to assess our communication needs in a meaningful way rather than based upon hearsay.

The Town's study should be conducted professionally and be constructed so that each household can accurately report what their current coverage needs are, to what extent their coverage is adequate, and what particular "gaps" might reasonably be addressed by the Town. Only then, can the Town construct a sensible Comprehensive Communications Plan for our community. Undoubtedly there are experienced, capable professionals residing within our town who would be willing and able to assist in undertaking such a study.

Please act quickly on this. We must not sit by helplessly and allow aggressive outside agencies to threaten our Town into undermining the environmental standards and quality of life on which our Town was founded.

We especially do not want to be duped into accepting this application, which is based on out-dated technology. And before acting on this or any other similar communication tower applications, we must realistically assess our community's particular needs and determine how to best utilize state-of-the-art technologies in moving forward to meet our communication needs in a responsible fashion.

Respectfully submitted,

(signed) Jeanne M. Kunz

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Mark Walker
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Chuck Weiss
Santa Clara County Office of Education

Linda Williams
Planned Parenthood Mar Monte

Jon Whitmore
San Jose State University

Daniel Yost
Orrick, Herrington & Sutcliffe, LLP

October 7, 2010

Town of Portola Valley Town Council
Portola Valley Town Hall
765 Portola Road
Portola Valley, CA 94028

Dear Members of the Town Council:

I understand that the Council is considering an application from T-Mobile for a wireless installation located at Golden Oak Drive and Peak Lane, on October 13, 2010. Joint Venture: Silicon Valley Network would like to go on record as strongly encouraging efforts to improve wireless service in the Town of Portola Valley and the region.

A few years ago a joint committee of business and city leaders identified wireless service as a serious problem in Silicon Valley. They felt that our wireless service was not up to world-class standards. The committee determined that the availability and reliability of wireless service was an issue of public safety and economic development.

With the help of business and community leaders, and with inputs from city planners and cell phone service providers, Joint Venture analyzed the problem and published Cell Phone Coverage Primer, which can be found at: <http://www.jointventure.org/wireless>.

We concluded that the primary reason for poor coverage in Silicon Valley is the rapid growth in the number and usage of cell phones and other mobile devices. People are using the phones not only in downtowns and major thoroughfares but also at home, in stores and rural areas. The wireless network was not designed for this load and is unable to accommodate current and future demand for service. And more and more, people are depending on their cell phones in an emergency. More than one-third of 911 calls are being made from cell phones today.

The solution is to increase the number of cell sites. Because service is now needed in residential areas, cell sites need to be compatible with community tastes. This often means that the antennas are mounted at a lower height reducing the distance the signal can travel and thus requiring more cell sites for coverage similar to that of older and taller cell towers.

The path to improved wireless service is ours to create. We now need the support of local jurisdictions as they consider cell applications since wireless use is only going to increase.

Joint Venture respectfully requests that you bear in mind the need to improve the quality of wireless service within Silicon Valley as you review and consider the T-Mobile cell site application.

Sincerely,



Ashwini Gillen
Director, Wireless Communications Initiative

There are no written materials for this item.

There are no written materials for this item.

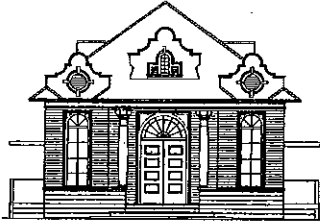
TOWN COUNCIL WEEKLY DIGEST

Friday – September 24, 2010

-
- ☐ 1. Memorandum to Council from Janet McDougall regarding Availability of Grant Funds to Acquire Automated External Defibrillators (AED's) – September 23, 2010
 - ☐ 2. Letter to Council from Debra Bosholm regarding the Trail Committee – September 20, 2010
 - ☐ 3. Letter to Council from San Mateo County Central Labor Council expressing appreciation for support in achieving a resolution to the labor negotiations between Teamsters Local 350 and Allied Waste – September 17, 2010
 - ☐ 4. E-mail to Jon Myers from Robert Pierce regarding resignation from the Ad Hoc Spring Down and Parks and Recreation Committees – September 2010
 - ☐ 5. Posting on PV Forum from Matt Miller regarding Lack of Cell Reception Monstrosity – September 21, 2010
 - ☐ 6. Memorandum to San Mateo County Sheriff's Department from Sharon Hanlon regarding Town Center Reservations for October – September 24, 2010
 - ☐ 7. Information regarding the Portola Valley Trails Association and request for a contribution of \$50 for the trail system in Portola Valley
 - ☐ 8. October 2010 Meeting Schedule
 - ☐ 9. Agenda – Special Joint Planning Commission/ASCC Field Meeting – Monday, September 27, 2010
 - ☐ 10. Agenda – Conservation Committee Meeting – Tuesday, September 28, 2010
 - ☐ 11. Action Agenda – Regular Town Council Meeting – Wednesday, September 22, 2010

Attached Separates (Council Only)

- ☐ 1. Invitation to honor and thank Anne Campbell for her years as Superintendent of the Portola Valley School District on Friday, October 8, 2010
- ☐ 2. Invitation to 27th Annual San Mateo County Women's Hall of Fame on March 24, 2011
- ☐ 3. Invitation to JobTrain's Annual Community BBQ & Open House on Thursday, October 7, 2010
- ☐ 4. Invitation to The Power of Possibilities Recognition Breakfast on Thursday, October 21, 2010
- ☐ 5. Invitation to a Luncheon in Support of Assemblyman Ira Ruskin on Wednesday, October 13, 2010
- ☐ 6. Invitation to celebrate "National Immigrant's Day" on Thursday, October 28, 2010



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Mayor and Members of the Town Council

FROM: Janet McDougall, Assistant Town Manager

DATE: September 23, 2010

RE: **Availability of Grant Funds to Acquire Automated External Defibrillators (AED's)**

On May 25, 2010, the entire Town staff received training in Cardio Pulmonary Resuscitation (CPR) and the use of Automated External Defibrillators (AED's) from Woodside Fire Protection District personnel.

Following the training, staff learned that the Sequoia Healthcare District (SHD) is promoting installation of AED units in public areas throughout the southern portion of San Mateo County, and the Town is eligible to receive one unit at no cost through a grant program. The typical cost for each unit is \$1,295; each wall cabinet carries a cost of \$200-\$300.

Over the past several years, AED units have evolved and have become very user friendly. The new units have been designed to deliver a shock only when the unit registers that the patient's heart requires it. If a lay rescuer attempts to administer a shock to a person whose heart is functioning, the unit will not deliver an electrical impulse.

Staff has met with a representative of SHD to discuss placement of a unit at the Town Center and the requirements associated with the installation. Two possible locations have been identified:

- a. Inside the anteroom to the Community Hall (this location may limit the unit's availability when a need arises, since the Community Hall is locked unless an event is occurring – see photo "a") or
- b. On the exterior of the Community Hall in the area adjacent to the kitchen door (this location would allow easier access to all residents using Town Center facilities, including the sports fields – see photo "b")

Installation of an AED requires that the Town commit to:

- Maintain, inspect and check each unit for readiness every thirty days, documenting these activities.
- Provide ongoing training to ensure that at least one person per AED has received CPR/AED training (all fourteen full-time staff are currently trained)
- Select a medical director for oversight (SHD will provide)
- Develop of a written internal response plan (SHD will provide)
- Develop a mechanism to ensure that when the AED is used chain of survival steps are followed (i.e. call 911; start early CPR; defibrillate within 5-7 minutes; ensure early advanced life support upon arrival of emergency medical responders; report use of the AED to emergency medical responders; report the use to the medical director for review)

Provisions within the California Civil Code provide protection to entities that acquire an AED for emergency use as long as the entity has complied with these requirements. Similarly, individuals using an AED or performing CPR are protected from civil damages as long as they act in good faith and are not found to be grossly negligent in their actions. The Town Attorney has reviewed the proposed agreement that is required by SHD as part of the grant process, and has found the terms acceptable.

The Town may acquire additional units at no cost through the Association of Bay Area Governments (ABAG) through the grant program, and SHD is willing to fold any additional units acquired through ABAG into their oversight program.

Unless otherwise directed, staff plans to submit a grant application to SHD for one AED unit for installation at the Community Hall, with a separate application to ABAG for one additional unit to be located within Town Hall.

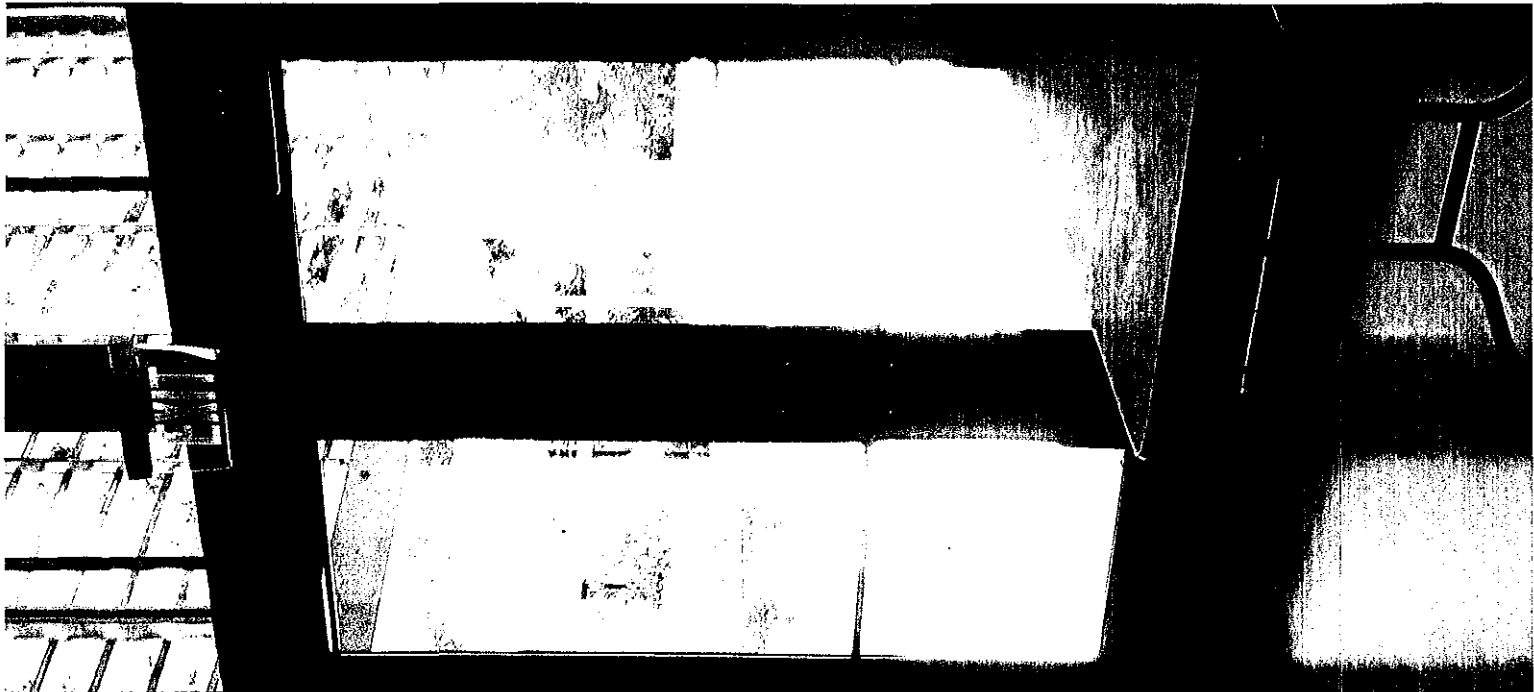


Photo "a"

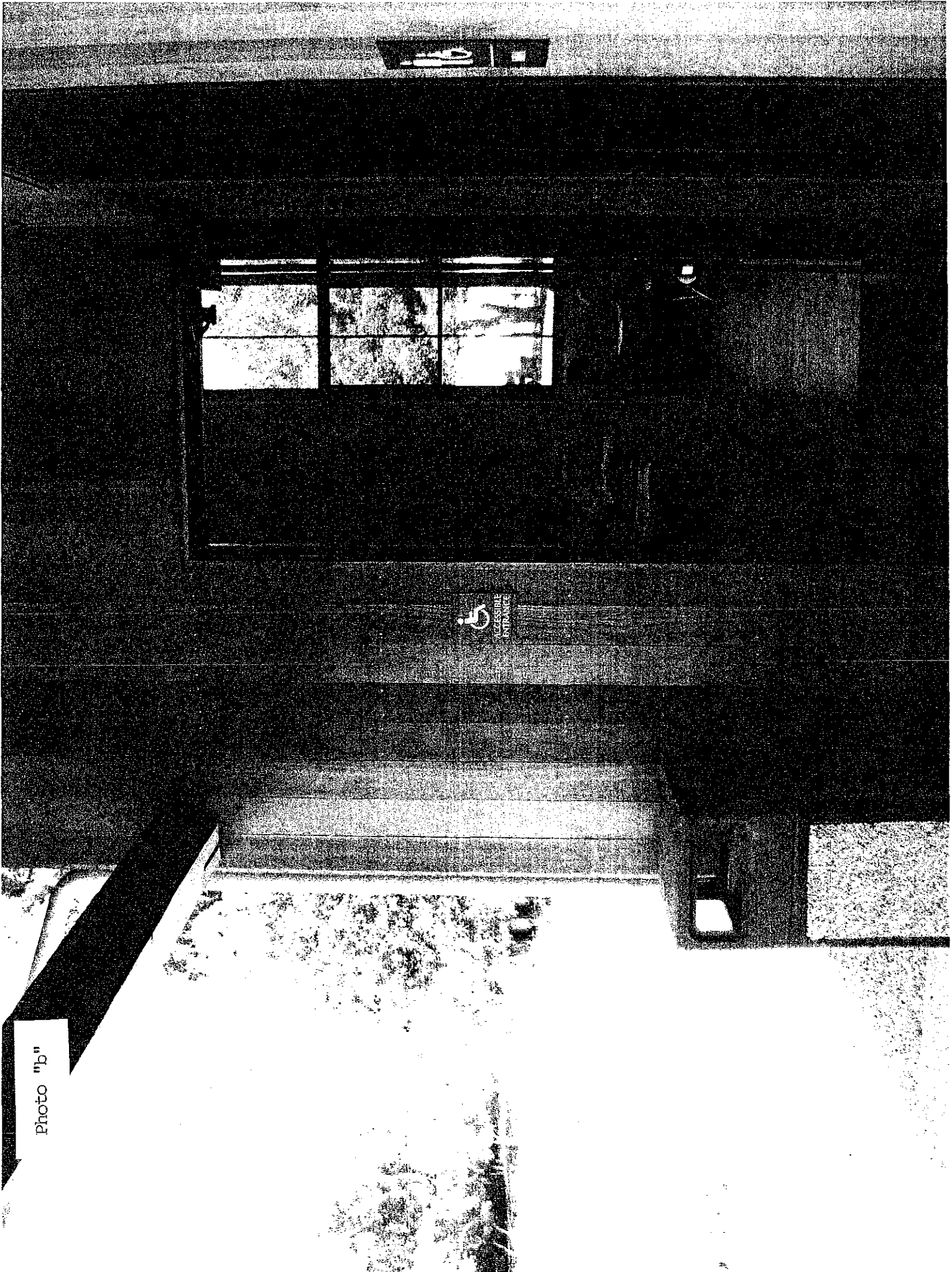
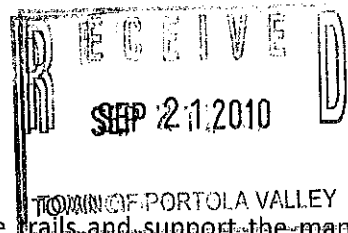


Photo "b"

September 20, 2010

The Mayor and Town Council
Town of Portola Valley
Portola Valley Town Hall
Portola Valley, CA 94028



Dear Mayor Toben and Council:

I am not a resident of Portola Valley; I am a regular visitor, user of the trails and support the many town businesses: both gas stations, the many restaurants, grocery stores, the two nurseries, the feed store, the equestrian tack/apparel store, the hardware store, and, of course, the veterinarians. Even though I may not actually reside in Portola Valley, I do support the community by patronizing the many town businesses.

In the Bay Area, we are very limited in choices regarding stabling and maintaining horses. I am thankful to the originating town folk that had the foresight to create the equestrian trails. I am also thankful to the many people who have kept them up and increased the number of trails. Over the years, many families with children stop and ask if they can pet the horse (when tied to a hitching post). I have even had mothers carry their children from their yard across the street so their children can see the horse close up, or stop their car on the road so their children can see the horses.

I recently attended the September 14, 2010 Trail Committee meeting in response to articles printed in the Almanac. I can only share with you how I feel from my perspective. I am concerned with what I have been reading and the tone surrounding the plans for the trails. At the Trail Committee Meeting, everyone was directed to identify themselves and their residence; this was repeatedly asked throughout the meeting. Yet two men in the front row, clearly town representatives, were never asked to identify themselves. A resident identified himself, said he lived in Portola Valley, voted and stated that 1,000 children were registered at the Portola Valley Schools (I believe I read 749 from an article in the Almanac). As the meeting continued, it became clear that the comments the Committee were interested in were from residents, even though those of us who do not live there do support the many town businesses and, therefore, the community.

In addition, in wanting to refresh my memory of the articles I had read, I went to Almanac online. I found that the May 12, 2010 article, "New hitching post not coming soon to Portola Valley Town Center" had a tag line reading "===BI This story has been updated to clarify a comment made by Mayor Steve Toben.==". And, that what had been originally written, "The existing post is not ideal and is a long walk away, but isn't the equestrian image of the town "largely symbolic," Mayor Steven Toben asked Ms. Hufty", now had been changed to "The existing post is not ideal and is a bit of a walk to the building complex, Mayor Steven Toben said, but reminded Ms. Hufty of an earlier comment she made that a hitching post is a symbol of where equestrians can tie up." I am deeply concerned by this. This led me to review past Town Council meeting minutes. To further my concerns, I read in the minutes, the Trail and Paths Committee has been cancelled because "there are a couple of issues about the Committee" and that a subcommittee of *town council members* were to sit down with the Committee to review its charter, and because a town council member could not attend.

During the Trail Committee Meeting it was reiterated many times that the Trail Committee is only advisory and that the Town Council makes the decisions. Yet the Town Council is reviewing the Trail and Paths Committee charter because of some issues. Is there a review of Town Council charter in progress as well? For that fact, are all committees and other areas of the Town charters being reviewed at this time?

I also understand that the Town Council wants more diversity on the Trail and Paths Committee. Is that same diversity of the Trial and Paths Committee being applied to the Town Council? I have found that people become involved in committees related to their interests, they are passionate about, or are directly related to their lifestyle.

As to actual trail interaction, more and more, many cars and bicyclist don't stop/yield when you are in the cross walk; joggers are on the trail with their iPods on and either run up behind the horses and startle the horses (sometimes the jogger is just as startled as the horse is), or, we are attempting to alert the jogger/hiker in front of us, that we are behind them, but they can't hear us. In addition, many trails users do not follow trail etiquette. Finally, during the winter months numerous trails are closed leaving only a few all weather trails. This compounds the interaction of trail users.

I commend the Town Council in their attempt to make Portola Valley more green. There are many trails/bike paths/bike lanes in place for bicycle use and moving children to/from school. Unfortunately, horses cannot use bike lanes/bike paths, or the roads.

Respectfully,

A handwritten signature in black ink, appearing to read 'Debra Bosholm', with a long horizontal flourish extending to the right.

Debra Bosholm
P. O. Box 34
Los Altos, CA

San Mateo County Central Labor Council

AFL-CIO ■ Organizing for Justice in Our Community
www.sanmateolaborcouncil.org

September 17, 2010

Dear City Council Members,

This letter is to follow-up to you in regards to my August 20th correspondence referencing what resulted in a labor dispute at BFI, Half Moon Bay. Teamsters Local 350 had been pursuing resolution to the labor negotiations at BFI Ox Mountain landfill, as well as on behalf of the Clerical employees in San Carlos.

I am pleased to announce that Teamsters Local 350, Sanitary Truck Drivers and Helpers, have come to a fair agreement with Allied Waste for both the Ox Mountain and the Clerical employees.

I want to thank you all for your support in these matters. The employees at those facilities now have fair wages, benefits, and working conditions.

The workforce standards in San Mateo County are of paramount importance for all employees, including the members of our Central Labor Council. We need your assistance and leadership to move forward in our ongoing effort to provide sustainable wages and benefits for the entire community.

We thank those of you who appreciate the dedicated workforce that serves us all, and are grateful that you have stood by us.

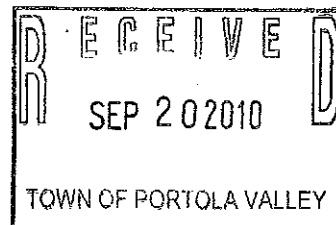
Sincerely,



Shelley Kessler
Executive Secretary-Treasurer

CC: IBT #350

Opeiu 3 AFL-CIO 174



From: Robert Pierce [mailto:drbobpierce@yahoo.com]

Sent: Sunday, September 19, 2010 5:50 PM

To: Jon Myers

Cc: Craig Brandman; Kathy Feldman; Lindsay Bowen; Wendi Haskell; Jane Wilson (Jane Wilson); Janet McDougall

Subject: Re: Parks and Rec Committee meeting Monday, September 20 at 7:30pm in the Schoolhouse

Jon

I can't make it to the meeting. To make matters easier for all, however, I am going to resign from the committee. I had joined to have a role in the tennis court issue and was also interested in the baseball field. On the latter, I don't feel I have much to contribute as Lindsay is the point man on this. I am retiring this year and becoming emeritus at Foothill and beginning to cut back on all my activities at the college, (my union, etc), so this committee resignation is just another example of my transitioning into a new place. Without my membership, I think your need for a quorum will be less and perhaps the meeting can still proceed. I had a great time on the committee and very much enjoyed meeting and working with all the members--all of whom are bright, energetic, and determined to work for the betterment of our town. I must confess some frustration with the town-wide committee that was formed to deal with Spring Down. From the beginning I believe that committee has represented a minority of the population of the town, although the representatives are well-meaning and many are activists of long-standing in P.V. All that said, however, my vision of this incredible opportunity for the town was to develop the property in such a way that recreational activities for town residents could be enhanced. I had hoped some would propose or support a community swimming pool (believe it or not, many residents don't own pools or can't afford the entrance fee at either Alpine or Ladera), a bocce court, some open lawn for general fun, and maybe some barbecue areas. All of these would have contributed to more personal interaction between town residents, something that gets lost in our rural suburb. But the majority of the committee made it clear from the first meeting that they had no intention of pursuing anything other than untouched open space, maybe some work on the pond (a mosquito heaven), and maybe a trail or two for geriatric hiking. We already have a lot of trails in the town, but it seemed we had to have more and Spring Down left in its natural state of relative disrepair. This could have been a real town park and the envy of all nearby, but it will not have that chance. I am sure some will point at the wording of the pertinent statutes and hide behind the "it was not possible" excuse, but in my experience, when people want something for the general good it can be done, insurance liability notwithstanding. Why an open pool of fetid water will be any less of a liability risk than a well-maintained pool for exercise and recreation is a mystery that I feel none will attempt or care to solve. I learned long ago that one can't fight city hall or entrenched interests with clout. I am asking Janet McDougall to please accept my resignation from the Spring Down committee along with a resignation from the Parks and Rec committee.

Please say "hello" when our paths cross in the future. It has been fun.

Bob Pierce

5

Angela Howard

From: PVForum@yahoogroups.com on behalf of Matt Miller [matt-miller@sbcglobal.net]
Sent: Tuesday, September 21, 2010 12:53 PM
Cc: PVForum@yahoogroups.com; Steve Toben; Ted Driscoll; Maryann Derwin; John Richards; Ann Wengert
Subject: Re: [PVForum] Lack of Cell Reception Monstrosity

I would like to second the need for the town leaders to do something to improve cell reception. This is a clear safety need in a town with regular power failures as it sits on a huge earthquake fault in a high risk fire zone. While the signal is great on Portola Road, try going off in the canyons...it stinks. Wireless communication has become an expected and powerful element in our lives and provides necessary backup to landlines and power lines. Towns across the country have struggled to create a reliable wireless infrastructure and we must do the same.

The current state of reception in PV is very poor and it is time for a proactive plan to improve it not just for T-Mobile customers but also for ATT and Verizon folks. I have no desire to ruin anyone's view or back yard and take no position on the current proposed site. Maybe we can do better. However, the Town Council needs to proactively plan the next few viable sites to complete our infrastructure.

When I last expressed this opinion on the forum, I received some nutty emails saying I wanted to irradiate the kids and ruin our views. This time, why don't you all just call my cell phone instead...it will not ring at home anyway.

Matt Miller

--- On Tue, 9/21/10, Alice Schenk <alice@docc.com> wrote:

From: Alice Schenk <alice@docc.com>
 Subject: Re: [PVForum] Peak Lane Monstrosity
 To: "mltj102" <mltj102@comcast.net>
 Cc: PVForum@yahoogroups.com, stoben@portolavalley.net, tdriscoll@portolavalley.net, mderwin@portolavalley.net, jrichards@portolavalley.net, awengert@portolavalley.net
 Date: Tuesday, September 21, 2010, 11:01 AM

I would just like to comment on the proposed tower. It is incorrect to think that there is not a need for cell phone coverage for *all* of Portola Valley. Those of us who live in these "dead zones" are really at a deficit. Each winter my land phones go out when we have heavy winds or rain. Last winter, while recovering from a broken hip and unable to drive, I lost phone service for a week and internet service for a week and a half. As usual I had no cell service. It is a very isolating feeling to be in that situation and I really would have loved to be able to connect with someone in an emergency. I am not suggesting that the tower is necessarily the answer as I do not like the idea of damaging another's situation. Nevertheless, I think that this is a matter that should be addressed and the need should *not* be minimized. Perhaps there is a short term solution to address the issue until newer technology arises. That is the message that I would like to send to our Town Council.

Respectfully,
 Alice Schenk

mltj102 wrote:

9/21/2010

> The proposed mono pine on Peak Lane (less than 100 feet from my front
> door (come and look) is still under consideration. The eight foot
> fence at edge of road cut is to be landscaped by trees that mature in
> 5 to 10 years/ We are soon 82 and 85. There are no telephone poles on
> Peak Lane because neighbors paid for under grounding. We need help.
> The T-Mobile pictures are deceiving . Also every car they say that
> needs a high level of cell phone reception does not have two drivers.
> It is illegal to talk while drivng. The Town Council really needs a
> lot of help and support on this one. The next tower to increase
> revenue for T-Mobile could be planned in your neighborhood. Diane
> Vedder Letters or e-mails to town need to be in by Oct 1 before
> meeting on Oct 13.
>

Yahoo! Groups Links

<*> To visit your group on the web, go to:
<http://groups.yahoo.com/group/PVForum/>

<*> Your email settings:
Individual Email | Traditional

<*> To change settings online go to:
<http://groups.yahoo.com/group/PVForum/join>
(Yahoo! ID required)

<*> To change settings via email:
PVForum-digest@yahoogleroups.com
PVForum-fullfeatured@yahoogleroups.com

<*> To unsubscribe from this group, send an email to:
PVForum-unsubscribe@yahoogleroups.com

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6



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: San Mateo County Sheriff's Department
FROM: Sharon Hanlon
DATE: September 24, 2010
SUBJ: Town Center Reservations for October 2010

Following is the current October 2010 schedule of events for the Town Center and surrounding area.

October 16: Neighborhood Clean-Up Day / Ford Field / 8:00 – 11:00 AM

Portola Valley Trails Association

Since 1967



The Portola Valley Trails Association was founded in 1967 by a group of concerned citizens who believed that our trail system was a unique and precious asset of our community -- and that it would be increasingly vulnerable to changing demographics. The Trails Association realized that our trails require eternal vigilance to protect them.

Recently, annoying minor issues have been raised and unresolved regarding:

1. Trail access to the Town Center
2. Neglect of driveway crossing maintenance throughout the town and at the Town Center.
3. Obstruction of mailboxes, landscaping, and irrigations systems

There is a lack of knowledge on the part of the staff and the council on the system of dirt trails surrounding our community, including the De Anza Trail, the Bay to Ridge Trail, the Ridge trail, and the Stanford trails, all of which are affected by the way trails are maintained.

There is also an apparent lack of sensitivity to the fragility of perpetuating a rural community set in the middle of a densely populated area. This has inspired long-term PVTA members to feel strongly about the need for increased political and financial support for our trail system.

The only requirement for participation in the Trails Association is interest and enthusiasm for our Town trails.

In general large trail maintenance projects have gone well and the committee has had a budget, the support of the Town Engineer, and one Town Council member.

During the last 10 years PV was able to extend its trail system by about 10 miles including additional land and trails in the Hayfield and Larry Lane area, 8 miles in the Blue Oak Development, and Priory trails. Beginning more than 10 years ago, Safe Routes to School and to the Town Center with adjustments for bikes have

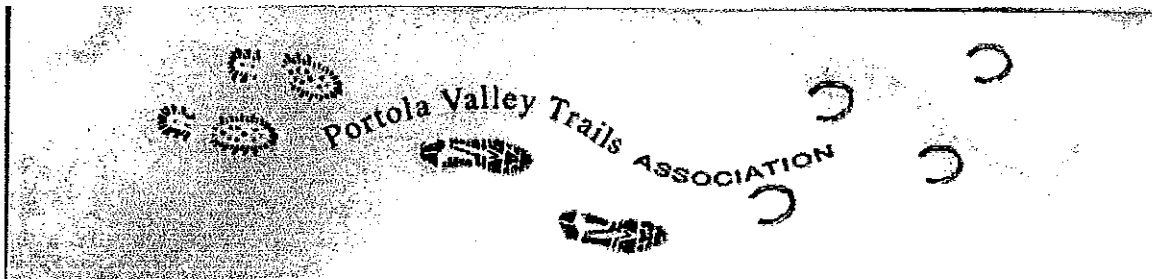
been established as well as criteria for adding bikes as a trail users. The federal designation for multi-use has been posted in all areas where there are bikes on dirt trails.

We now have "green connections" to all destinations and trails throughout the community where hikers, runners, dogs and horses can move about without being on asphalt. This should be a primary goal for any "green community".

Trails are always used at one's own risk. Horses can be encouraged not to leave manure on driveways by placing a hand on the tail. (Horse manure does become dirt very quickly when it has contact with soil, as it is pure roughage and vegetable matter. If a horse should soil at a driveway crossing it is really best for the rider to get off and remove it if possible.)

Currently the PVTA has 120 members who represent a broad diversity in trail use. We are looking to strengthen and reach out to newer members of the community and rekindle the 3 C's of trail use: "common sense, communications, and courtesy." We are blessed with a resource we cannot allow to be ignored or disenfranchised.

Please join us by sending a check for \$50 to Portola Valley Trails Association, 257 Mapache Dr PV, Ca 94028. Funds will be used if needed for projects that fall outside of the jurisdiction of the Town of Portola Valley or that require increased resources in addition to town support, such as a better bridge or a nicer trail footing.



e-mail address: pvtrailsforever@me.com.

Town of Portola Valley

Town Hall: 765 Portola Road, Portola Valley, CA 94028 Tel: (650) 851-1700 Fax: (650) 851-4677

OCTOBER 2010 MEETING SCHEDULE

Note: Unless otherwise noted below and on the agenda, all meetings take place in the Historic Schoolhouse, located at 765 Portola Road, Portola Valley, CA

TOWN COUNCIL – 7:30 PM (Meets 2nd & 4th Wednesdays)

Wednesday, October 13, 2010 – **SPECIAL MEETING IN THE COMMUNITY HALL**

Wednesday, October 27, 2010

PLANNING COMMISSION – 7:30 PM (Meets 1st & 3rd Wednesdays)

Council Liaison – John Richards

Wednesday, October 6, 2010

Wednesday, October 20, 2010

ARCHITECTURAL & SITE CONTROL COMMISSION - 7:30 PM (Meets 2nd & 4th Mondays)

Council Liaison – Maryann Derwin

Monday, October 11, 2010

Monday, October 25, 2010

CABLE TV COMMITTEE – 8:15 AM (Meets 2nd Thursday) alternate odd numbered months

Council Liaison – John Richards

COMMUNITY EVENTS COMMITTEE – 9:00 AM

Council Liaison – Ann Wengert

As announced

CONSERVATION COMMITTEE – 8:00 PM (Meets 4th Tuesday)

Council Liaison – Ted Driscoll

Tuesday, October 26, 2010

CULTURAL ARTS COMMITTEE

Council Liaison – Maryann Derwin

Thursday, October 14, 2010

EMERGENCY PREPAREDNESS COMMITTEE – 8:00 AM in the EOC/Conference Room at Town Hall
(Meets 2nd Thursday)

Council Liaison – Ted Driscoll

Thursday, October 14, 2010

FINANCE COMMITTEE

Council Liaison – Ann Wengert

As announced

GEOLOGIC SAFETY COMMITTEE – 7:30 PM

Council Liaison – Ted Driscoll
As announced

HISTORIC RESOURCES COMMITTEE

Council Liaison – Maryann Derwin
As announced

NATURE AND SCIENCE COMMITTEE – 4:00 PM (Meets 2nd Thursday) alternate even numbered months

Council Liaison – Steve Toben
Thursday, October 14, 2010

OPEN SPACE ACQUISITION ADVISORY COMMITTEE

Council Liaison – Steve Toben
As announced

PARKS & RECREATION COMMITTEE – 7:30 PM (Meets 3rd Monday)

Council Liaison – Ann Wengert
Monday, October 18, 2010

PUBLIC WORKS COMMITTEE

Council Liaison – John Richards
As announced

SUSTAINABILITY COMMITTEE – 4:00 PM (Meets 3rd Monday) / Historic Schoolhouse

Council Liaison – Maryann Derwin
Monday, October 18, 2010

TEEN COMMITTEE

Council Liaison – Ann Wengert
As announced

TRAFFIC COMMITTEE – 8:15 AM (Meets 1st Thursday)

Council Liaison – Steve Toben
Thursday, October 7, 2010 – **UNCONFIRMED AT TIME OF PUBLICATION**

TRAILS & PATHS COMMITTEE (Meets 2nd Tuesday)

Council Liaison – Ted Driscoll
Tuesday, October 12, 2010 – 7:30 PM



9

**TOWN OF PORTOLA VALLEY
ARCHITECTURAL AND SITE CONTROL COMMISSION (ASCC)
Monday, September 27, 2010
Special Field Meeting (time and place as listed herein)
7:30 PM – Regular ASCC Meeting
Historic Schoolhouse
765 Portola Road, Portola Valley, CA 94028**

SPECIAL JOINT PLANNING COMMISSION/ASCC FIELD MEETING*

3:45 p.m. 5010 Alpine Road "Patricia Law Homestead" (convene at Town Center parking lot in front of the Historic Schoolhouse) Preliminary consideration of the demolition permit request and associated Site Development Permit Application X9H-618 for removal of the "Homestead" ruins of the Lauriston Estate, (McKinney) (ASCC review to continue at Regular Meeting)

7:30 PM - REGULAR AGENDA*

1. Call to Order:
2. Roll Call: Aalfs, Breen, Clark, Hughes, Warr
3. Oral Communications:

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

4. Old Business:
 - a. Continued Consideration - Request for Modifications to Previous Approval, Garage Addition, 10 Grove Drive, Dhillon *Continued to October 11th Meeting*
 - b. Follow-up Review – Architectural Review for New Blue Oaks Residence and Site Development Permit X9H-611, 2 Buck Meadow Drive (Lot 36 Blue Oaks), Toor
 5. New Business:
 - a. Architectural Review for Proposed Second Story Addition, 190 Cherokee Way, Morrell/Tendedorio
 - b. Preliminary Consideration of Demolition Permit Requests for Structures at 4394 and 5010 Alpine Road, and Site Development Permit X9H-618, For 5010 Alpine Road, McKinney
 6. Approval of Minutes: September 13, 2010
 7. Adjournment
-

*For more information on the projects to be considered by the ASCC at the Special Field and Regular meetings, as well as the scope of reviews and actions tentatively anticipated, please contact Carol Borck in the Planning Department at Portola Valley Town Hall, 650-851-1700 ex. 211. Further, the start times for other than the first Special Field meeting are tentative and dependent on the actual time needed for the preceding Special Field meeting.

PROPERTY OWNER ATTENDANCE. The ASCC strongly encourages a property owner whose application is being heard by the ASCC to attend the ASCC meeting. Often issues arise that only property owners can responsibly address. In such cases, if the property owner is not present it may be necessary to delay action until the property owner can meet with the ASCC.

WRITTEN MATERIALS. Any writing or documents provided to a majority of the Town Council or Commissions regarding any item on this agenda will be made available for public inspection at Town Hall located 765 Portola Road, Portola Valley, CA during normal business hours.

ASSISTANCE FOR PERSONS WITH DISABILITIES

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Technician at 650-851-1700, extension 211. Notification 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting.

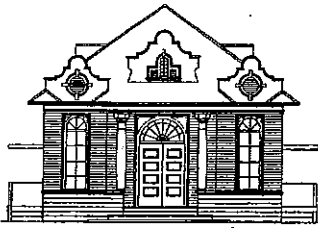
PUBLIC HEARINGS

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

This Notice is Posted in Compliance with the Government Code of the State of California.

Date: September 24, 2010

CheyAnne Brown
Planning & Building Assistant



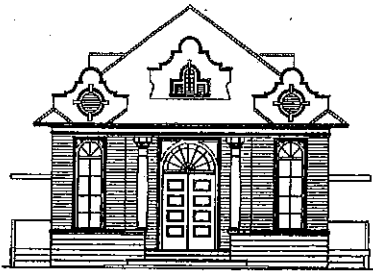
TOWN OF PORTOLA VALLEY
Conservation Committee
Tuesday, September 28, 2010 - 8:00 PM
Historic Schoolhouse
765 Portola Road, Portola Valley, CA 94028

AGENDA

1. **Call to Order**
2. **Oral Communications**
3. **Approval of Minutes – August 24, 2010**
4. **Old Business**
 - A. Schedule of events for 2010/October Town Event
 - B. CC presence on Town Website/document
Reports from website subcommittee and doc subcommittee
 - C. List of trees according to root depth – Oak sub list
 - D. Update on weeding maintenance schedule 2010/2011
 - E. Town Open Space parcel management/owners: Open issues
 - F. CUP Neely
5. **New Business**
 - A. Alpine Road trail improvements
 - B. Site permits
 - C. Tree permits
6. **Announcements**
7. **Adjournment**

Enclosures:

- August 24, 2010 meeting minutes



TOWN OF PORTOLA VALLEY

7:30 PM – Regular Town Council Meeting
Wednesday, September 22, 2010
Historic Schoolhouse
765 Portola Road, Portola Valley, CA 94028

ACTION MEETING AGENDA

7:30 PM – CALL TO ORDER AND ROLL CALL

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

All Present

ORAL COMMUNICATIONS (7:31 pm)

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.

Sofie Vandeputte, Cervantes and Shawnee, voiced her concern for the safety of children walking to and from Corte Madera School

CONSENT AGENDA (7:32 pm)

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** – Regular Town Council Meeting of September 8, 2010

Approved as Amended 5-0

- (2) **Approval of Warrant List** – September 22, 2010

- (3) **Recommendation by Mayor** – Town Manager Employment Agreement

- (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Approving and Authorizing Execution of Amendment No. 9 to the Town Manager Employment Agreement Between the Town of Portola Valley and Angela Howard (Resolution No. 2505-2010)

Items 2 & 3 Approved 5-0

REGULAR AGENDA

PUBLIC HEARING (7:35 pm)

- (4) **PUBLIC HEARING** - Modifications to Resolution 2279-2006; Amendments to the Zoning Ordinance relating to Geologic Provisions; Proposed Negative Declaration pursuant to CEQA

- (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Approving and Adopting "Geologic Map" and "Ground Movement Potential Map" and Establishing Land Use Policies for Lands Shown on Said Maps (Resolution No. 2506-2010)

Negative Declaration and Resolution Approved 5-0

- (b) First Reading of Title, Waive Further Reading, and Introduce an Ordinance of the Town Council of the Town of Portola Valley Amending Sections of and Adding Sections to Title 18 [Zoning] of the Portola Valley Municipal Code related to Geologic Matters (Ordinance No. __)

2nd Reading of Amendment and Addition to Title 18 [Zoning] related to Geologic Matters will be agendized at the October 27, 2010 Council meeting

- (5) **Discussion and Council Action** – Filing of Unfunded Mandate Test Claim for requirements by the Regional Water Quality Control Board (8:15 pm)

Approved 5-0

- (6) **Recommendation by Assistant Town Manager** – Applications for Grant Funding through California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Bond Act of 2002 for possible Funding of Ford Field Improvements (8:20 pm)

Council authorized staff to apply for grant applications Approved 5-0

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

- (7) **Discussion and Council Action** - Recommendation by the Trails and Paths Committee (8:30 pm)

- (a) Proposed change to Trails Committee Charter
- (b) Process for Recruitment and Appointment to the Trails Committee

Trails Committee Charter as amended and Recruitment and Appointment Process Approved 5-0

- (8) **Discussion and Council Action** – Review the Paperless Agenda Packet for Town Council Meetings (9:20 pm)

**Paperless Council Packet and Wi-Fi enable the Schoolhouse Approved 5-0
E-Communications Policy to come before Council at a future meeting**

- (9) **Reports from Commission and Committee Liaisons** (9:45 pm)

There are no written materials for this item.

Councilmember Richards – Planning Commission reviewed request for amendments to CUP for 302 Portola Road and continued CUP for the Neely/Myers Project.

Councilmember Wengert – Teen Committee working on “Share the Bounty” project for next year, next movie night, plans for the next dance and voted to approve a new applicant. The Finance Committee met to discuss a Health Care Benefit Survey and the San Mateo County Law Enforcement contract. Parks & Recreation Committee cancelled meeting due to lack of a quorum.

Councilmember Derwin – Library JPA approved FY '10-'11 budget. State budget overview by Legislative Analyst Mac Taylor was given at the September C/CAG meeting. ASCC reviewed Neely/Meyers project, house addition on Westridge Drive, Cooper project and project on 10 Grove Drive. The Sustainability Committee meeting was cancelled due to lack of a quorum.

Vice Mayor Driscoll – Trails Committee reviewed and approved proposed charter amendments.

Mayor Toben – Firewise Committee met on September 21 and is looking at ways to improve our fire readiness. Excellent presentation held in the Community Hall on September 15 by UC Berkeley Professor regarding fire history and lessons learned.

WRITTEN COMMUNICATIONS (10:10 pm)

- (10) **Town Council Weekly Digest** – September 10, 2010

#1 – Mayor Toben commented on excellent letter by Staff

- (11) **Town Council Weekly Digest** – September 17, 2010

#1 – Firewise Advisory Committee workshop “Assessing Wildfire Hazards in the Home Ignition Zone” scheduled for Friday, October 8 in the Community Hall at Town Center

#2 – Councilmember Derwin will accept a 2010 ICLEI Sustainability Leadership Awarded to the Town of Portola Valley on Saturday, September 25 in Washington, D.C.

ADJOURN TO CLOSED SESSION: 10:12 pm

CLOSED SESSION

- (12) **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Government Code Section 54956.9(b)

Significant Exposure to Litigation: T-Mobile appeal Golden Oak Drive and Peak Lane

REPORT OUT OF CLOSED SESSION: None to Report

ADJOURNMENT: 11:15 pm

TOWN COUNCIL WEEKLY DIGEST

Friday – October 1, 2010

-
- ☐ 1. Letter with attachment to Mayor Toben from Dianne Feinstein regarding FEMA – September 22, 2010
 - ☐ 2. Letter to Council and Legal Advisors from Jean Lane expressing appreciation for the time and efforts of the Council and forwarding a check from Mr. and Mrs. Robert Conrad to be donated to the Open Space Fund – September 23, 2010
 - ☐ 3. Memorandum to Council from Angela Howard regarding her vacation from Monday, October 4 through Monday, October 18, 2010 – September 24, 2010
 - ☐ 4. E-mail to Council from Stephen Hansen regarding Proposed T-Mobile Cell Tower on Peak Lane – September 29, 2010
 - ☐ 5. Letter to Council from Kenneth Lavine regarding Proposed T-Mobile Cell Tower on Peak Lane – September 28, 2010
 - ☐ 6. E-mail and two letters to Council from Diane Vedder regarding Proposed T-Mobile Cell Tower on Peak Lane – September 23 and September 27, 2010
 - ☐ 7. E-mail to Council from Susan Brown regarding Proposed T-Mobile Cell Tower – September 24, 2010
 - ☐ 8. Letter to Janet McDougall from the Department of Parks and Recreation regarding a grant of \$12,212 for the Ford Baseball Field Renovation – September 27, 2010
 - ☐ 9. Letter to Janet McDougall from the Department of Parks and Recreation regarding a grant of \$220,000 for the Ford Baseball Field Renovation – September 27, 2010
 - ☐ 10. Month End Financial Report for the Month of September 2010
 - ☐ 11. Cancellation of the Planning Commission Meeting scheduled for Wednesday, October 6, 2010
 - ☐ 12. Cancellation of the Traffic Committee Meeting scheduled for Thursday, October 7, 2010
 - ☐ 13. Action Agenda – Special Joint Planning Commission/ASCC Field Meeting – Monday, September 27, 2010

Attached Separates (Council Only)

- ☐ 1. Invitation to ABAG's Fall General Assembly on October 21, 2010

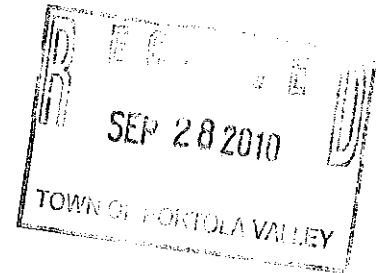
United States Senate

WASHINGTON, DC 20510-0504

<http://feinstein.senate.gov>

September 22, 2010

The Honorable Steve Toben
Mayor
765 Portola Rd
Portola Valley, California 94028



Dear Mayor Toben:

I write to make you aware of recent developments at the Federal Emergency Management Agency (FEMA) which may help you and your constituents quickly transition into a new Flood Insurance Rate Map (FIRM).

As you are likely aware, FEMA is in the process of reviewing and revising flood maps across the country to ensure that Americans who live in flood plains are properly protected. Throughout this process I have heard from a number of communities who are frustrated about the poor communication and lack of information coming out of the Agency.

In response to these concerns, FEMA will begin allowing communities to appeal Flood Insurance Rate Map determinations to independent Scientific Resolution Panels beginning in November 2011. These panels will be comprised of five independent experts who will review the facts of the case and make determinations within 120 days. While these Panels will not re-review previously adjudicated appeals, I wanted to make you aware of this option should you feel your community's concerns are not being addressed in future dealings with the Agency.

Enclosed please find a three page outline with details about how the Scientific Resolution Panel will be formed and specifications as to the role of the panel during the appeals process. Should you have questions or need any further information regarding this matter, please contact FEMA Region IX Headquarters at (510) 627-7184 or Devin Rhinerson in my Washington, D.C. office at (202) 224-3841.

Sincerely,

A handwritten signature in black ink, appearing to read "Dianne Feinstein". The signature is fluid and cursive, with a large initial "D" and a long horizontal stroke at the end.

Dianne Feinstein
United States Senator

DF:dr:jj

Parameters for the Flood Mapping Scientific Resolution Panel



FEMA

The Administrator of Federal Emergency Management Agency (FEMA) is making available an independent scientific body (hereafter referred to as the Scientific Resolution Panel) that can be convened when deemed necessary by FEMA or a joint agreement of FEMA and a community appellant. The Scientific Review Panel will review and resolve conflicting data related to proposed Base Flood Elevations (BFEs) as provided for in the National Flood Insurance Act, as amended by (42 USC 4104(e); 44 CFR Part 67.8).

National Flood Insurance Program (NFIP) participating communities are strongly urged to collaborate with FEMA throughout the study of their flood hazards, providing available data, models, and other scientific information that would enhance the final Flood Insurance Rate Map and avoid appeals. When such appeals are necessary, community consultation is the preferred method of resolution. Such consultation allows for collaborative evaluation and discussion of the conflicting data between FEMA and the appellant and usually facilitates a mutually acceptable resolution. On occasions when community consultation cannot produce a mutually acceptable resolution, the Panel will be made available. The Panel will be made up of experts on hydrology, hydraulics, and other pertinent sciences, as they apply to the development of Base Flood Elevations (BFEs) for FEMA flood studies.

Basis of Appeal:

- A community must submit an appeal to FEMA during the regulatory 90 day appeal period.
- The regulations require appeal submissions to include technical or scientific data. The appeal documentation must include alternative BFEs which, through the use of "alternative methods or applications result in more correct estimates of base flood elevations, thus demonstrating that FEMA's estimates are incorrect" (44 CFR Part 67).

Utilization of the Panel:

- After at least 60 days of community consultation on a submitted appeal have elapsed, the appellant community can elect to bring their appeal to the Panel. A community, whether working on its own behalf or that of interested parties, must serve as the official appellant.
- The appellant community must elect to bring their appeal to the Panel no later than 120 days after the submission of the appeal to FEMA.
- In instances where a good faith consultation between FEMA and the appellant exceeds the 120-day aforementioned deadline and does not result in a final resolution, FEMA may choose to submit the appeal to the Panel for resolution.
- FEMA will make initial determinations whether the submission includes sufficient information to qualify as a valid appeal pursuant to 44 CFR Part 67 or is simply a statement of protest.

Panel Sponsor

The Panel will be under the operational direction of a Panel Sponsor. The Panel Sponsor will be an organization selected by FEMA and will be:

- Independent from FEMA and other influences such that findings of Panels will be deemed neutral and independent from FEMA or associated influence.
- Capable of receiving reimbursement of costs from FEMA.
- Not subject to the Federal Advisory Committee Act.

The Panel Sponsor will be responsible for:

- Selecting and maintaining a cadre of scientific experts in surface water hydrology, hydraulics, coastal engineering, and other engineering and scientific fields that relate to the creation of Flood Hazard Maps and Flood Insurance Studies throughout the United States.
- Identifying a list of potential panel members from the cadre of experts based on the technical challenges of the specific appeal.
- Employing for panel operations an individual familiar with the principles of the NFIP statute and regulations.

Panel Composition

- A panel of up to 5 members will be chosen from the Panel Sponsor's pre-qualified list.
- The appellant chooses a simple majority, and FEMA chooses the remaining panelists.
- The Panel may include representatives from Federal agencies not involved in the mapping study in question and other impartial experts. The Sponsor must ensure panelists have no personal or professional interest in the appeal and do not reside in the State from which the appeal has been filed.
- FEMA employees cannot serve on the Panel.

Role of the Panel

- Following deliberations, the Panel shall render a written decision that rejects or supports an appeal as filed.
- The Panel will make a determination based on knowledge or information submitted by the appellant, indicating whether the BFEs proposed by FEMA are scientifically or technically incorrect.
- A report containing the Panel's rationale and decision will be made available to the public.
- The Panel must expeditiously make its determination about the appeal and present its public report no later than 150 days after the appeal is brought to the Panel.

Decisions of the Panel

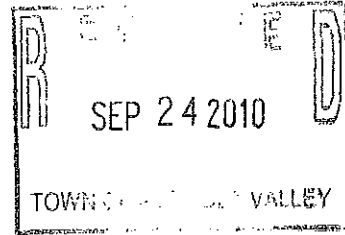
- The Panel's determination will become the recommendation to the Administrator for appeal resolution; the Panel's determination will not be subject to further staff review within FEMA.
- Subject to final review and approval by the Administrator, FEMA will incorporate Panel findings and determinations into revised preliminary Flood Insurance Rate Maps and Flood Insurance Studies, as applicable per Regulation.
- When changes in the FIRMs are required, FEMA will make a revised Preliminary FIRM available to the community for review prior to issuing the Letter of Final Determination.
- The appellant will be encouraged to accept the determination of the Panel. If the appellant is not satisfied, the appellant may appeal to the appropriate United States District Court, pursuant to 44 CFR 67.12.

Implementation

- This process will be available to all community appellants beginning on November 1, 2010.
- In instances where an appeal is currently in the consultation phase, but which has not had a Final Determination issued, that community appellant will have until January 15, 2011, to request their appeal be brought to the Panel for disposition. FEMA will have the authority to offer the Panel resolution process to other existing appellants as it determines.

September 23, 2010

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



Town Council Members & Legal Advisors:

For many, many years since the town was founded in 1964 my dear husband, Bill, always attended the Wednesday meetings.

He was dedicated to helping the town and its citizens in whatever way he could. Both of us appreciated all the time and effort the council members and so many others gave to our town to make it the very special place it continues to be today.

The attached check sent to me from our friends in Virginia will be given to Portola Valley's Open Space Fund in memory of Bill Lane and all he gave during his lifetime to our very special community.

You may thank our friends, Mr. and Mrs. Robert A. Conrad, at 8314 McNeil Street in Vienna, Virginia 22180 for their generous gift.

With warm regards,

Jean Lane
Jean Lane

Enc. Check for \$300.00



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Mayor and Members of the Town Council

FROM: Angela Howard, Town Manager

DATE: September 24, 2010

RE: **Out of the Office**

I will be out of the office, on a tour of China, beginning Monday October 4th, through Monday, October 18th. I will have my cell phone with me but my office email will not be forwarded. Sharon does have contact information.

Janet McDougall will be in charge during my absence.

Cc: Town Staff

From: Stephen Hansen [stephen@hansenhomes.us]
Sent: Wednesday, September 29, 2010 8:23 PM
To: Sharon Hanlon
Subject: Re: Proposed T-Mobile Cell Tower on Peak Lane

To: Portola Valley Town Council

Portola Valley works hard to maintain a rural feel in its neighborhoods and as a resident I greatly appreciate the results. That being said, I also appreciate that there are concessions that may need to be made if we are also to enjoy the benefits of modern communications. The present state of cellular reception in much of the Alpine Hills area can most charitably be described as "spotty", regardless of the carrier, so I was cautiously hopeful when I heard of the proposed tower.

Hopeful, because I would very much like improved cellular reception, but cautious because of the potential negative effects of a new cell tower on the visual environment. My wife and I often walk the Golden Oak loop and the water tank at Peak Lane is a familiar landmark. Shortly after I first heard of the proposed tower, I went up to the site and spent some time wandering around the surrounding area with an eye toward its likely effects on the view. My opinion is that with some intelligent landscaping, the effects will be minimal and more than offset by the benefits derived from the improvements in communications.

My family's cell phone service is with a carrier other than T-Mobile which means that I am unlikely to benefit on a daily basis from the installation of this tower. However, I would benefit from more reliable GSM based cell phone service in case of emergencies. During our last power outage, our AT&T land-line phone failed after about three hours and was not restored until the power came back over three hours later, possibly due to exhaustion of the AT&T's battery back-up system. Because of the poor cell reception in the area, we and much of the neighborhood were pretty much out of touch unless you wanted to go out into the storm to search out a working phone. We live in an area where the potential for emergency situations due to fire, flooding, strong winds, and earthquakes are a bit higher than most. I'd feel better if an alternative method of telephone communications was available.

Over the past several months I have listened to and read many of the objections to the proposed cell tower application. Many do not bear up to close scrutiny, but it is true that a few nearby homes will have a view of the pole from some point on their property (although I would think that the proposed cell pole is likely to be rather insignificant next to the multi-thousand gallon water tank already present). The mitigation of the presence of a 50 or 60 foot pole will require on-going attention to the trees and shrubs planted around the site. The track record of California Water Service in this regard is not one to inspire confidence, but concluding an agreement with T-Mobile that includes explicit requirements and penalties for non-compliance might actually improve the status quo.

I would like to encourage the to Town Council to take this opportunity to either grant the application the application or at least direct the Planning Commission to review and reconsider its earlier decision regarding this proposal.

Sincerely,
Stephen E. Hansen
380 Golden Oak Dr.
Portola Valley

M. Kenneth Lavine
185 Golden Oak Drive
Portola Valley, CA 94028
ken@lavine2020.com
650/851-2020

5

September 28, 2010

Town Council
Town of Portola Valley
765 Portola Road
Portola Valley, CA 94028

Dear Council Members,

I am writing this letter to comment on the appeal to the decision of the Planning Commission denying a conditional use permit to T-Mobile for a wireless communications antenna facility at the intersection of Golden Oak Drive and Peak Lane.

One of the key issues that caused the Planning Commission to deny the permit was whether or not a significant gap in coverage exists and would be eliminated by operating the proposed antenna. I live at the intersection of Golden Oak Drive and Holden Court. This is inside the area that the proposed antenna is designed to serve. I am a user of the T-Mobile network. At the present, I obtain "two bars" (out of a maximum of 5) coverage. This is often, though not always sufficient to provide connectivity. While I don't know how many bars I'd obtain if the proposed antenna were built, it is allegedly designed to provide me with a significantly stronger signal.

A stronger signal would be helpful. Consequently, I favor your granting T-Mobile the conditional use permit.

Sincerely,

M. Kenneth Lavine

Delivered by email

6

From: Diane [ggvedder@comcast.net]
Sent: Thursday, September 23, 2010 12:11 PM
To: Sharon Hanlon
Subject: Set Back for structures on Peak Lane

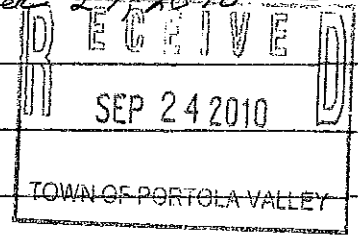
To Steve Toben and the Portola Valley Town Council:

Why is Peak Lane considered a side street with a 20 foot set back for structures when all three houses on Peak Lane have their front doors on Peak Lane? I wonder why a structure for cell phone reception inside an almost impossible to landscape eight foot fence would not be required to use a 50 foot set back. Can these rules be changed? There are no telephone poles on Peak Lane except at corners of Cervantes and Golden Oak. This is because neighbors cared enough about the rural atmosphere and beauty in the front of their homes. that they paid themselves for undergrounding. The planned structure is very obvious because of its placement so close to edge of the road cut.

Thank you for considering this,

Diane Vedder

285 Golden Oak Drive
(Corner Peak Lane)
Portola Valley, CA 94028
September 27, 2010



Dear Portola Valley Town Council Member,

Subject Reference Proposed Conditional Use Permits for Wireless Antenna Facility, California Water Tank Property, Peak Lane and Golden Oak Drive, T-Mobile Corporation.

This proposed T-Mobile facility would be detrimental to the "quality of life" for those who reside near or drive by the site. I was president of the Alpine Hills Association when we worked to establish Portola Valley as a town that would maintain our attractive, tranquil, family-oriented residential community for all generations.

Site:

The proposed monopole is less than 100 feet from my home. It is about 21 feet from the edge of the Road Cut on Peak Lane. A catch surrounding 8 foot high fence for equipment and structure is very obvious and detrimental to aesthetic character of street and neighborhood. Landscaping would be difficult in this very narrow strip along Peak Lane. One can see the solid rock in the road cut. This would create a problem for deep watering of roots. Two oak trees that are still alive since they were planted by CA Water to hide their new tank have grown very little and they are located within the planned fence enclosure and would be cut down ~~destroyed~~ or obscured. A five to ten year time table for new landscape is unacceptable when you consider that my husband and I are in our eighties. There are no poles or lines on Peak Lane except at intersections of Golden Oak and Cervantes. We and a neighbor paid for the undergrounding

of a previously proposed pole. All three homes on Peak Lane have their front doors facing Peak Lane. Our 113 foot long 50' x house has three bedroom windows facing Peak Lane. T-Mobile's architects make our house appear to be wider and around 60 feet long. Please come and take a walk along Peak Lane. You are welcome to view the site from our front door or from the garden path along the house. There is a shot stake with a yellow tie marking the center of the monopole. To see this clearly you need to walk along the top of the road cut on the water company property. This area has been used by neighbors as a trail for fifty years. I have enclosed some pictures. Is it pertinent to ask if a fake 50 foot tree might fall into street during a high magnitude earthquake like the recent 8.8 one in Chile?

Noise:

The T-Mobile architect noted in a Planning Commission meeting that the noise factor will not be measured until after the construction is completed. This is too late! My husband is a light sleeper and normally Peak Lane is quiet at night. However, some neighbors are kept awake by noise from the CA Water Company equipment.

Health:

I understand that this issue is not being considered. From my reading, many studies on this topic are not complete. The sign on the fence surrounding the monopole on Crestaders Road reads "Beyond this point you are entering a controlled area where radio frequency emissions may exceed FDD Occupational Exposure Limits - Can the town trust T-Mobile engineers when their monopoles will have equipment for two carriers."

Precedents:

Will the quality of other people's lives in Portola Valley be threatened with wireless antenna facilities less than 100 feet from their homes. Some towns pass statutes requiring from 300 to 500 feet of distance between a residence and a facility. Can the Peak Home site grow to a cell farm? There is a "farm" on private property in Los Altos.

New Technology:

Has the town studied all the new, less obtrusive, and more innovative technologies that help those who want improved cell phone reception? Last week on the news a new phone was described that does not use cell towers. Perhaps our forward-thinking town could negotiate a special price for these. The small in-home devices also seem to work well. Are there existing areas further away from private residences where companies could come together to design and construct a "state of art" facility. Portola Valley could be a leader in advocating new technologies.

Wildlife:

At the suggestion of the Sequoia and Santa Clara Audubon Environmental Advocates, I am asking that a full EIR (Environmental Impact Report) be prepared and studied before a permit is granted. Watching hawks, vultures, corvids, occasional hites and eagles, ducks, geese, herons, quail, woodpeckers, jays, and numerous song birds has long been a pleasant activity in our yard and at the Peak Home Water Company Site. Studies such as one in Bedford indicate that cell tower emissions have a detrimental effect on bird life and flight patterns. Land animals might also get confused. T-Mobile reports that there is twice as much radiation at the two-story house level than at the one-story house level.

A neighbor pointed out to me that this job price would be like a five or six story building in height.

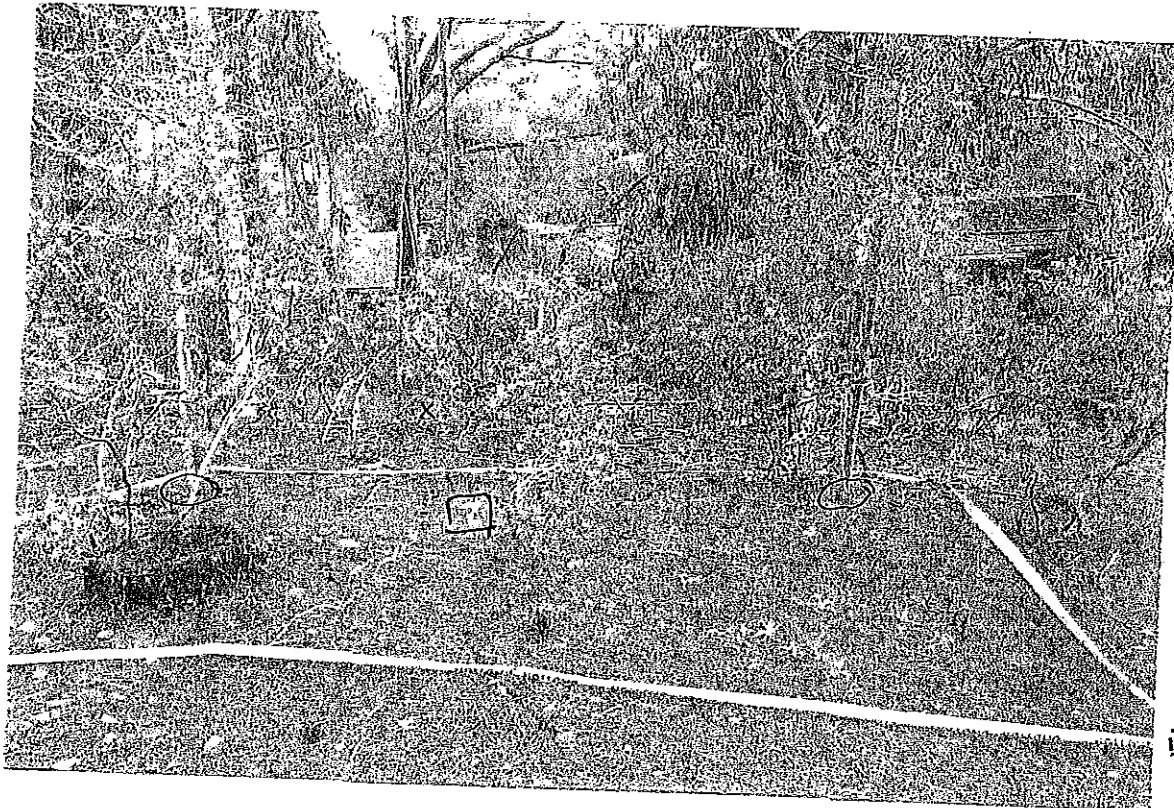
Future:

I attended a meeting at the Town Center this summer with Barbara Borer's representative. She said that our Federal government is looking into problems created by the Federal Communications Act. Many small towns are finding their goals and statutes compromised by invasives similar to the one planned here now. Changes in this outdated law should come soon. I am requesting that this structure - if approved - be destroyed and removed within 60 days after a new law is passed. Because of many new and improved technologies, I would also like to request that no permit be given for more than five years. All landscaping should be monitored weekly. No generator noise should be heard on Saturday or Sunday even in daylight hours. Both days are religious holidays. I visited the commercial site at the Paving and there was a lot of noise. Hopefully, the town will double-check all Trosobli's reports with non-partial experts. Many problems might solve themselves if the town would place a 5-year moratorium on this invasive use-permit.

Thank you for reading this letter.

Sincerely,
Dorine Vedder

Copies Sent: Town Council
Enclosures: 2



○ Our Bedroom area

x Peak Lane

○ Still small oak trees planted by water company to hide tank

□ Stake for center of monopine

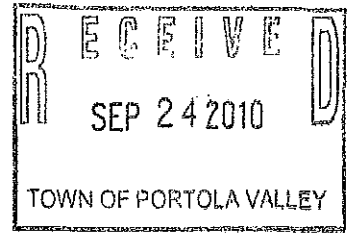


• About edge of 8 foot fence with monopine inside



View from our front walk. The stake for the center of proposed monopine is 21 hand-measured feet back from edge of approximately 15 foot high road cut. The difficult to landscape or hide 8 foot fence proposed to surround stake in a 15 foot enclosure would be clearly visible from Peak Lane.

Members of The Portola Valley Town Council
September 27, 2010



Subject Reference: Proposed Conditional Use Permit X7D-170
for Wireless Antenna Facility, California Water Tank
Property, Peak Lane and Golden Oak Drive, T-Mobile Corporation

We wish to reiterate our reasons for opposition to the proposed cellular phone antenna (Subject Reference above). Details of our concerns about the facility are included in a series of letters that were written to the members of the Architectural and Site Control Commission and the Planning Commission during the period February 4, 2010 and May 10, 2010. We strongly believe that the following abbreviated list of these concerns and pertinent conditions is worthy of attention by the Town Council.

1. The proposed site for the "monopine" antenna is approximately 100 feet from the front of our residence on Peak Lane, and the proposed enclosure is even closer. Any new structures there not only would be aesthetically obtrusive but also would degrade the residential composition of the entire neighborhood. We take exception to Mackenzie and Abritton's assertion that "...generalized concerns about aesthetics are insufficient to constitute substantial

evidence upon which a local government could deny a permit "... Furthermore, their Exhibit C (simulated photo) in their September 17, 2010 e-mail to The Town Council was taken from a single viewpoint and does not show multiple views from adjacent sites adjacent to the proposed facility. This single simulated photo is misleading and does not ... "demonstrate that the Proposed Facility can and will be screened so as to allay any concerns about the aesthetics"... as they maintain.

2. California Water Company has shirked its responsibilities as custodians of their property at Golden Oak Drive and Peak Lane. Although the company had an obligation to provide screening of the large tank by new plantings, these young trees were not properly maintained along the northern and northeastern flanks of the tank. Some of these new trees died shortly after planting, others languished from lack of care, and still others were recently removed. Future plantings may meet the same fate. Bedrock is exposed between the proposed antenna site and the water tank. Soil is very thin between the site and the top of the embankment on Peak Lane. The embankment itself is composed of bedrock. Under such conditions, plantings will be extremely difficult to preserve.

3. On p. iv of the Town's Advisory Committee Policies & Procedures Handbook (Adopted by the Town Council, March 11, 2009), the following is stated: "Committees are encouraged to develop and communicate to the Town Council recommendations under their purview that will enhance the quality of life for residents"... The proposed T-Mobile antenna facility obviously would be detrimental to the "quality of life" for those of us who reside near the site. We believe that any form of degradation of the natural environs of the town should be firmly avoided, and the town's "building green" policy should not be placed in jeopardy.

4. Because the three homes that are located on Peak Lane have front entries that face this street, it should be designated a primary thoroughfare, and new structures such as the antenna and its enclosure should be set back 30 feet or more.

5. We disagree with Mackenzie and Albritton's contention the Planning Commission's "...denial simply a proxy for real but unstated reason of neighborhood concerns of RF emissions and property values"... This judgment seems to us to be arbitrary and misconceived.

6. The Fish and Wildlife Service as well as local and National Audubon societies have demonstrated the adverse effects of radiation from telecommunication antennas on wildlife, especially birds. The Endangered

Species Act and The National Environmental Policy Act also address the impact on birds. The American Bird Conservatory has gone to court to protect birds. Egg damage, reduced nesting, altered migration routes and high mortality levels from tower-collision have been reported. One study in Belgium showed that songbirds reappeared in an area after a tower was removed. Wildlife in our Town should be protected.

Although the environmental impact of the proposed facility has largely been ignored, investigation of such impacts should be thoroughly implemented at the proposed site.

7. Despite a statement by the T-Mobile representative at the March 22 ASCC meeting that there are no alternatives to their designed facility, other less obtrusive types of telecommunication installations or devices are available or under rapid development. Inexpensive home-based small devices that route calls over the internet to the phone network bypass the cell-tower network altogether are now on the market.

8. Allowing the construction of the T-Mobile facility is likely to set a precedent that could lead to the installation of multiple antennae on the Water Company property. Obviously, both California Water Company and T-Mobile view it as a lucrative source of income; but any advantages that might be derived by Portola

Valley residents, particularly those near the proposed facility, are either obscure or non-existent.

9. We willingly grant permission to members of the Town Council who wish to visit the front entrance and pathway facing Peak Lane in order to gain our perspective on the T-Mobile facility site. From these viewpoints, the negative aesthetic impact will be immediately apparent.

10. In conclusion, it is truly disheartening to think that commercial enterprises may supersede aesthetic values cherished by our town.

Respectfully,
John and Diane Vedder
285 Golden Oak Drive

From: Susan Brown [sbrown@snafu.de]
Sent: Friday, September 24, 2010 3:12 AM
To: Sharon Hanlon
Cc: Leslie Lambert
Subject: Comments on T-Mobile documentation for PV Town Council

To the Portola Valley Town Council:

I would like to provide you my comments on the documentation T-Mobile submitted to you in mid-September to support their appeal of the Planning Commission's decision to deny their cell tower application. In my view T-Mobile fails in this documentation to demonstrate the existence of a "significant gap" in service coverage. Here are what I see as the flaws and weaknesses of their argumentation regarding a "significant gap":

T-Mobile's claim that there is a "significant gap" in coverage is based on radio frequency coverage maps. My understanding is that radio frequency measurements are only predictive measures and do not necessarily reflect actual coverage. T-Mobile does not demonstrate in their document that these measures reliably correlate to the capability of T-Mobile users to make cell phone calls, which is what is actually relevant in this case. As stated on the T-Mobile website, "coverage maps are only an estimation of available coverage". My own experience with T-Mobile service shows that the coverage map for Portola Valley on the T-Mobile website has poor predictive value. As I wrote the Planning Commission in my e-mail of May 11, 2010 (see below), my husband and I had no problem to make or receive calls reliably with our T-Mobile cell phones in our home on Westridge Drive in an area where T-Mobile maps show there is "no coverage". I also tested the (in-vehicle) signal strength of my T-Mobile cell phone on Westridge Drive and its side streets and found that only isolated spots have no signal, mainly on cul-de-sacs. My T-Mobile phone also had sufficient signal on most of Cervantes and on Peak Lane.

In other communities where T-Mobile has submitted a cell tower application people have come to the same conclusion as myself that T-Mobile's claim of a "significant gap" did not correspond to an inability to make or receive calls (See, for example, www.getthecelloutofhere.com where in Glendale, CA, a concerned citizen goes door to door with a T-Mobile phone to show on video camera just how good the T-Mobile service is throughout the area where T-Mobile claims the need for a cell tower).

T-Mobile apparently has not attempted to locate the specific areas where calling is not possible and to measure the size of the actual gaps. Instead they speak of a "technical gap" and postulate that the entire area in question has a significant gap: "T-Mobile has submitted detailed radio propagation coverage maps to show a significant gap in in-building and in-vehicle coverage in the residential area of Portola Valley north of Alpine Road." The document goes on to say that "the existence of this significant gap in coverage is verified and explained" in a statement in Exhibit E and that this statement explains and graphically represents in detail the area in which the coverage gap occurs and the significance of the gap. However, Exhibit E does not verify the existence of the gap but rather assumes it, and the significance of the gap is grossly overestimated.

Exhibit E describes the area of "significant gap" as extending roughly from Alpine Road to the south to the town's northern border. It then goes on to describe the significance of this technical gap within the area to be served by the cell tower (which by the way begs the question of how they would later propose to serve the rest of the area). Here a flawed line of argumentation is used. The statement

enumerates the entire number of parcels within the cell tower reach (400), the entirety of the population estimated to live there (1,366), the entire length of Cervantes, and the entire number of car trips made on that roadway. As I commented above, much of this area appears to have sufficient coverage already, so the significance of the gap should refer not to the entire area but only those spots where there is insufficient actual coverage to make a phone call. Cervantes is a case in point for over-estimation: Even on T-Mobile's own website (<http://www.t-mobile.com/coverage/pcc.aspx>) nearly half of Cervantes is shown to be in a "green" area, yet T-Mobile includes the entire roadway in its assessment of the "significant gap".

In Exhibit E T-Mobile also brings in factors that are inconsequential for determining whether there is a "significant gap". For example, the "E911 service gap" is irrelevant, because even if there were no T-Mobile coverage in an area, a 911 call from a T-Mobile phone would automatically be routed to another carrier, assuming that at least one other carrier serves the area -- and the coverage maps of Sprint and Verizon show they do. Thus there would be no gap in service from the T-Mobile customer perspective (and presumably denial of the cell tower would not result in a prohibition of 911 service).

Also irrelevant for the "significant gap" question in Exhibit E is T-Mobile's discussion of the importance of signal strength for providing services beyond phone calls, such as texting and internet. According to the Telecommunications Act the assessment of a "significant gap" refers to phone calls and the ability of a remote user to access the national telephone network (and not the ability to use other services like the internet). The point raised by T-Mobile that PV residents want high quality telecommunications services is thus irrelevant in the context of the "significant gap" discussion.

Going back to the issue that T-Mobile has not described the precise location or magnitude of any actual gaps -- or provided any relevant data like the number of dropped calls -- it is concerning that T-Mobile has proposed a solution for an alleged problem of which they apparently do not know the scope. How can they know what the least intrusive means would be to solve any gaps? An overestimated gap translates into an oversized solution with stronger negative implications (for aesthetics, health risks, etc.). Also, some PV residents have complained on the PV Forum that they do not have any cell phone reception at all. How many such residents live within the range of the T-Mobile cell tower, and how many of them would be able to make calls if the tower were approved? What a shame it would be if the tower with all its negative implications were erected to help such people only to find out later that they still have no service, because they live in areas, such as gullies, that are not within line-of-sight of the tower.

In closing, I would like to say that my personal experience with T-Mobile as a reliable cell phone service in a so-called "dead zone" of Portola Valley seriously calls into question the validity of T-Mobile's technical radio frequency measurements for assessing the question of a "significant gap". In my view T-Mobile has failed to demonstrate in the submitted document the existence of a "significant gap", or to describe its magnitude and precise location(s), in terms of actual ability to connect to the national telephone network, in which case the rejection of their application would be justifiable. Furthermore, if the area is already widely served by T-Mobile and there are only occasional dead spots, as my experiments suggest may be true, then denial of the cell tower would not result in a prohibition of T-Mobile phone call service.

Sincerely,

Susan P. Brown

Begin forwarded message:

From: Susan Brown <sbrown@snafu.de>
Date: May 11, 2010 10:18:16 PM GMT+02:00
To: planningcommission@portolavalley.net
Subject: Planning Commission / Proposed Cell Tower, Peak Lane

Dear Planning Commissioners:

I am very concerned about the proposed placement of a cell tower on Golden Oak at Peak Lane in view of the associated environmental and health issues. Furthermore, I question the need for such a tower and the validity of T-Mobile's claim of a significant gap in coverage.

My husband and I both use T-Mobile for our cell phones and have good reception at our home on Westridge Drive (better reception in fact than we get with our AT&T cell phones). According to the T-Mobile coverage map on their website (<http://www.t-mobile.com/coverage/pcc.aspx>) our home is in the middle of a T-Mobile dead zone including the broader Westridge area. That is simply not the case.

Today I rode in a car down nearly every side street of Westridge from Alamos to Bow Lane with my 2 cell phones to test the coverage of T-Mobile and to compare it to AT&T. I was able to get a T-Mobile signal nearly everywhere. The exceptions were on stretches of road that are located in or descend into narrow valleys (e.g. Pinon, Degas, part of Alamos, stretch of Westridge/Golden Oak near Pinon and a few others). AT&T also lacked service in these areas. In general, the T-Mobile and AT&T service appear comparable, with T-Mobile being at least as good if not better. In the Ormondale School / Shawnee Pass area, T-Mobile service is very good while AT&T is poor.

According to the AT&T website (<http://www.wireless.att.com/coverageviewer/>) AT&T coverage in the broader Westridge area is rated either "good" or "moderate". I think that is a fitting description for the coverage of T-Mobile as well.

I encourage the Planning Commission to verify further the claims of T-Mobile and to ensure they are not just trying to enhance their marketing. The residents of the Town of Portola Valley should not have to bear the detrimental effects and risks of such a cell tower, especially when there is not a significant need.

Sincerely,
Susan P. Brown
680 Westridge Drive
Portola Valley, CA 94028



September 27, 2010

Janet McDougal
Assistant Town Administrator
Town of Portola Valley
765 Portola Road
Portola Valley, CA 94028

Dear Ms. Janet McDougall,

Re: Project Name: Ford Baseball Field Renovation
 Program: 2002 Resources Bond Act
 Project Number: RZ-41-074
 Requested Grant Amount: \$12,212

This letter acknowledges receipt of your application for the above referenced project. The application is complete. You may proceed with the project. Based on the application you submitted, the following is a description of the expected results from this grant:

A development project to renovate an existing baseball field in the Town of Portola.

Please let me know if this does not agree with your understanding of the project. Please remember that you must comply with all applicable state and federal laws and regulations including, but not limited to, legal requirements for construction contracts, building codes, health and safety codes, and the laws and codes pertaining to individuals with disabilities.

Refer to your procedural guide for grant process information.

If you have any questions, please contact me at (916) 651-8579 or email me at avent@parks.ca.gov.

Sincerely,

A handwritten signature in cursive script that reads "Albert Ventura".

Albert Ventura
Project Officer



DEPARTMENT OF PARKS AND RECREATION • P.O. Box 942896 • Sacramento, CA 94296-0001 Ruth Coleman, Director
916-653-7423

September 27, 2010

Janet McDougal
Assistant Town Administrator
Town of Portola Valley
765 Portola Road
Portola Valley, CA 94028

Dear Ms. Janet McDougall,

Re:	Project Name:	Ford Baseball Field Renovation
	Program:	2002 Resources Bond Act
	Project Number:	02-41-043
	Requested Grant Amount:	\$220,000

This letter acknowledges receipt of your application for the above referenced project. The application is complete. You may proceed with the project. Based on the application you submitted, the following is a description of the expected results from this grant:

A development project to renovate an existing baseball field in the Town of Portola.

Please let me know if this does not agree with your understanding of the project. Please remember that you must comply with all applicable state and federal laws and regulations including, but not limited to, legal requirements for construction contracts, building codes, health and safety codes, and the laws and codes pertaining to individuals with disabilities.

Refer to your procedural guide for grant process information.

If you have any questions, please contact me at (916) 651-8579 or email me at avent@parks.ca.gov.

Sincerely,

A handwritten signature in cursive script that reads "Albert Ventura".

Albert Ventura
Project Officer

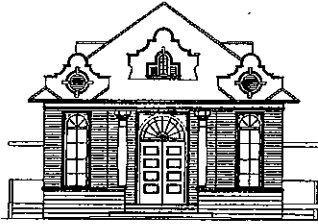


MONTH END FINANCIAL REPORT

FOR THE MONTH OF: September 2010

CASH	Bank of America	\$	350,948.39
	Local Agency Investment Fund (.513%)	\$	6,778,731.10
	Total Cash	\$	7,129,679.49
<hr/>			
FUNDS	05 General Fund	\$	2,143,175.01
	10 Safety Tax	\$	150,752.71
	15 Open Space	\$	2,752,480.37
	20 Gas Tax	\$	112,413.82
	25 Library Fund	\$	396,507.57
	30 Public Safety/COPS	\$	(15,705.06)
	40 Park in Lieu	\$	6,169.15
	45 Inclusion In Lieu	\$	157,456.29
	60 Measure A	\$	43,558.51
	65 Road Fees	\$	782,330.15
	75 Crescent M.D.	\$	74,944.01
	80 PVR M.D.	\$	13,212.91
	85 Wayside I M.D.	\$	5,671.36
	86 Wayside II M.D.	\$	(117,475.84)
	90 Woodside Highlands M.D.	\$	146,536.16
	95 Arrowhead Mdws M.D.	\$	(1,799.67)
	96 Customer Deposits	\$	506,163.36
	98 PV Community Fund	\$	(26,711.32)
	Total Fund Balance	\$	7,129,679.49
<hr/>			
ACTIVITY	Revenues for Month:	\$	349,482.50
	LAIF Interest Deposit (0.00%)		
	Total Revenues for Month:	\$	349,482.50
	Warrant List 9/8/10	\$	(288,981.11)
	Warrant List 9/22/10	\$	(137,787.56)
	Payroll	\$	(126,579.11)
	Total Expenses for Month:	\$	(553,347.78)
	Activity Balance	\$	(203,865.28)
<hr/>			
SUMMARY	Beginning Cash Balance:	\$	7,331,531.68
	Total Revenues	\$	349,482.50
	Total Expenses	\$	(553,347.78)
	Total JE's	\$	2,013.09
	Ending Cash Balance	\$	7,129,679.49

Per CGC #53646 governing the reporting of cash and investments, the Town's investment portfolio is in compliance with its adopted Investment Policy. Based on anticipated cash flows and current investments, the Town is able to meet its expenditure requirements for the next six months.



11

MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Planning Commission

FROM: Leslie Lambert, Planning Manager

DATE: September 30, 2010

RE: Cancellation of Planning Commission Meeting

The Regular Meeting of the Planning Commission scheduled for Wednesday, October 6, 2010 has been cancelled. The next regular meeting of the Planning Commission is scheduled for Wednesday, October 20, 2010 at 7:30 p.m.

cc: Town Manager
Town Council
Town Planner
Country Almanac
Lynn Noble

This Notice is posted in compliance with Section 54955 of the Government Code of the State of California.

Date: September 30, 2010

Carol Borck
Planning Technician



Town of Portola Valley
Traffic Committee
Notice of Cancellation
Thursday, October 7, 2010

TRAFFIC COMMITTEE
Thursday, October 7, 2010
NOTICE OF CANCELLATION

The Traffic Committee meeting scheduled for Thursday, October 7, 2010 at 8:15 a.m. is cancelled.



TOWN OF PORTOLA VALLEY
ARCHITECTURAL AND SITE CONTROL COMMISSION (ASCC)
Monday, September 27, 2010
Special Field Meeting (time and place as listed herein)
7:30 PM – Regular ASCC Meeting
Historic Schoolhouse
765 Portola Road, Portola Valley, CA 94028

ACTION
SPECIAL JOINT PLANNING COMMISSION/ASCC FIELD MEETING*

3:45 p.m. 5010 Alpine Road "Patricia Law Homestead" (**convene at Town Center parking lot in front of the Historic Schoolhouse**) Preliminary consideration of the demolition permit request and associated Site Development Permit Application X9H-618 for removal of the "Homestead" ruins of the Lauriston Estate, (McKinney) (ASCC review to continue at Regular Meeting) **Project team conducted presentation, site and ruin conditions were viewed, and comments from commissioners were given in support of demolition.**

7:30 PM - REGULAR AGENDA*

- 1. Call to Order: 7:31 p.m.
- 2. Roll Call: Aalfs, Breen, Clark, Hughes, Warr (**Aalfs, Hughes absent. Also present: Tom Vlasic Town Planner; Denise Gilbert Planning Commission Liaison; Maryann Derwin Town Council Liaison**)

- 3. Oral Communications: **None.**

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

- 4. Old Business:
 - a. Continued Consideration - Request for Modifications to Previous Approval, Garage Addition, 10 Grove Drive, Dhillon *Continued to October 11th Meeting* **Project review continued to 10/11/10.**
 - b. Follow-up Review – Architectural Review for New Blue Oaks Residence and Site Development Permit X9H-611, 2 Buck Meadow Drive (Lot 36 Blue Oaks), Toor **Follow-up submittal approved subject to conditions to be met to the satisfaction of Planning staff prior to building permit issuance. Additionally, a lighting field check at the time of framing shall be conducted by the full ASCC.**
- 5. New Business:
 - a. Architectural Review for Proposed Second Story Addition, 190 Cherokee Way, Morrell/Tendedorio **Project approved subject to conditions to be met to the satisfaction of Planning staff prior to building permit issuance.**

- b. Preliminary Consideration of Demolition Permit Requests for Structures at 4394 and 5010 Alpine Road, and Site Development Permit X9H-618, For 5010 Alpine Road, McKinney Commission reiterated generally supportive comments concerning proposed demolition. Review continued to 10/11/10 meeting for final actions as outlined in the 9/23/10 staff report.
6. Approval of Minutes: September 13, 2010 Review continued to 10/11/10 meeting.
7. Adjournment 8:30 p.m.

*For more information on the projects to be considered by the ASCC at the Special Field and Regular meetings, as well as the scope of reviews and actions tentatively anticipated, please contact Carol Borck in the Planning Department at Portola Valley Town Hall, 650-851-1700 ex. 211. Further, the start times for other than the first Special Field meeting are tentative and dependent on the actual time needed for the preceding Special Field meeting.

PROPERTY OWNER ATTENDANCE. The ASCC strongly encourages a property owner whose application is being heard by the ASCC to attend the ASCC meeting. Often issues arise that only property owners can responsibly address. In such cases, if the property owner is not present it may be necessary to delay action until the property owner can meet with the ASCC.

WRITTEN MATERIALS. Any writing or documents provided to a majority of the Town Council or Commissions regarding any item on this agenda will be made available for public inspection at Town Hall located 765 Portola Road, Portola Valley, CA during normal business hours.

ASSISTANCE FOR PERSONS WITH DISABILITIES

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Technician at 650-851-1700, extension 211. Notification 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting.

PUBLIC HEARINGS

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

This Notice is Posted in Compliance with the Government Code of the State of California.

Date: September 24, 2010

CheyAnne Brown
Planning & Building Assistant

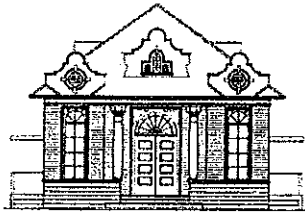
TOWN COUNCIL WEEKLY DIGEST

Friday – October 8, 2010

-
- ☐ 1. Memorandum to Town Council from Tom Vlasic regarding Update on the Status of Town Planning Efforts relative to Wireless Communication Services for Portola Valley – October 5, 2010
 - ☐ 2. Agenda – Sustainability Committee Meeting – Monday, October 11, 2010
 - ☐ 3. Agenda – Regular ASCC Meeting – Monday, October 11, 2010
 - ☐ 4. Agenda – Trails and Paths Committee Meeting – Tuesday, October 12, 2010
 - ☐ 5. Agenda – Emergency Preparedness Committee Meeting – Thursday, October 14, 2010
 - ☐ 6. Agenda – Cultural Arts Committee Meeting – Thursday, October 14, 2010
 - ☐ 7. Agenda – Nature and Science Committee Meeting – Thursday, October 14, 2010

Attached Separates (Council Only)

- ☐ 1. Invitation to San Mateo County Council of Cities Dinner Meeting on Friday, October 22, 2010
- ☐ 2. Invitation to San Mateo County Association of Grand Jurors luncheon on Friday, October 29, 2010
- ☐ 3. League of Women Voters of the Bay Area Education Fund's "Bay Area Monitor" – October/November 2010
- ☐ 4. League of California Cities "Western City" – October 2010



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Town Council
FROM: Tom Vlastic, Town Planner
DATE: October 5, 2010.
RE: Update on the Status of Town Planning Efforts relative to
Wireless Communication Services for Portola Valley

Purpose of Memorandum

The purpose of this memorandum is to provide a brief update on the status of town planning efforts for current and future wireless services in the town. The memo has been prepared at the request of the mayor and is intended to respond to some of the questions raised in communications relative to the T-Mobile appeal to the council of the planning commission denial of a request for a new wireless communication facility (WCF). Specifically, these questions focus on what steps the town might be taking to provide for desired/needed wireless services and future requirements for providing upgrades to existing services and how these efforts might address some of the issues that have come up in consideration of the T-Mobile appeal.

The planning actions that have been and are now being pursued are briefly summarized below. These include conditional use permit (CUP) amendments for upgrading of existing facilities and appointment of a Wireless Taskforce (WTF) to consider changes to current town policies and regulations to better guide placement and replacement of WCF in Portola Valley.

Background and Existing Wireless Facilities in Portola Valley

Much of the current framework for town consideration of wireless facilities was set with approval of the "***Policy Statement Regarding Wireless Communications Facilities***," adopted by the town council on February 26, 1997. (This document is included with the staff report and information provided to the council for consideration of the T-Mobile appeal). During the time that these policies were being developed, the town also approved changes to the CUP provisions of the zoning ordinance to guide decision-making relative to WCF. These changes permit WCF to be in all zoning districts, but only when authorized by the granting of a CUP.

While the town's wireless policies and regulations are over 10 years old, they were developed in light of the basic FCC regulatory framework that still exists today. Nonetheless, as can be seen from the data provided with the materials on the T-Mobile appeal, particularly from the town attorney, a number of legal decisions have been made

that further refine the understanding of application of the FCC provisions. These have been considered in recent actions by the town in approving upgrades to WCF authorized with CUP approvals initially granted in the late 1990's and early part of the current decade. Conditions added to these recent approvals for Verizon Wireless, AT&T and Nextel/Sprint/TowerCo., reflect the most current understanding of the authority the town can exercise in reviewing and acting on such requests. These recent CUP approvals were granted to the above-mentioned carriers for facilities at the Priory and for those on existing utility poles within the Alpine and Portola Road corridors.

Based on the number of recent requests for upgrades to existing facilities and the T-Mobile application, it appears clear that the industry is again at a high activity point in terms of the need to expand wireless service facilities. In considering the requests and checking with other jurisdictions, it appears that this activity is to meet the requirements for provision of the next generations of wireless services for voice, data, video, etc.

Based on the foregoing, it is appropriate to consider the need for changes to the town's wireless policies and regulations to guide the anticipated applications and to also address the issues identified during consideration of the recent wireless applications.

Wireless Taskforce (WTF)

Shortly after the T-Mobile appeal has been decided, a wireless taskforce will be convened to consider possible changes and modifications to existing town policies and regulations for wireless facilities. The council did tentatively agree that such a taskforce effort should be pursued and a general framework for this taskforce effort is outlined below. This would be refined after the first session of the taskforce.

1. **Membership.** The WTF is to include residents and one member each from the Town Council, Planning Commission and ASCC. It might also include a member of the Cable & Utilities Undergrounding Committee, as the members of this committee are very technologically oriented. The WTF would be supported by planning staff and would also benefit from presentations by the town attorney.
2. **Objectives.** The basic objectives of the work of the WTF would be:
 - a. ***Propose changes to Wireless policy statement and, as appropriate, to the zoning ordinance.*** Consider and develop appropriate recommendations for changes to the town's wireless policy statement and also consider any zoning changes that may be possible and appropriate to better direct placement of wireless facilities in the town. In order to develop proposed changes the following objectives should also be pursued.
 - b. ***Reach clear understanding of the current regulation environment for wireless facilities.*** FCC limitations as well as those set by the state need to be provided for ready reference by the WTF members. The town attorney would be the important resource as to this regulatory environment.
 - c. ***Obtain a clear understanding of the general approach used by local jurisdictions in California and nationwide to control placement of WCF.*** Planning staff has already developed some data on the approaches used by other

hillside communities in the Bay area and would develop this further for WTF consideration.

- d. ***Obtain an understanding of technologies, changes in service and service demands and how these can practically be met within the context of Portola Valley.*** This is particularly important, as several public comments have suggested that "other" evolving technologies would result in service without pole mounted, line of site, antenna systems. This is not consistent with the current understanding of FCC regulations or the data provided by industry representatives, including those not specifically affiliated with any wireless company.

The WTF would likely make other considerations in pursuing the primary objective of developing recommendations for changes to policies and regulations. The above steps and data would, however, set the framework for the WTF efforts.

The timing for WTF work would be set based on discussion at the first taskforce meeting and this would be reported to the town council for concurrence.

TCV

- cc. Angela Howard, Town Manager
Leslie Lambert, Planning Manger
Sandy Sloan, Town Attorney
Denise Gilbert, Planning Commission Chair
Carter Warr, ASCC Chair



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TOWN OF PORTOLA VALLEY
Sustainability Committee
Monday, October 11, 2010 – 4:00 PM
Community Hall – Alder Room
765 Portola Road, Portola Valley, CA 94028

AGENDA

1. Call To Order
2. Oral Communications
3. Approval of Minutes from August 23, 2010
4. Introduction of Members and Visitors
5. Brief Review of Program History and Current Updates
6. Review of Program Structure for Portola Valley
7. Discussion – Program Elements for Portola Valley
8. Discussion – Development of Subcommittees
9. Discussion – Acterra and PG&E Pilot Program Participation
10. Group Exercise – Identify Town Leaders
11. Next Steps, Next Meeting Date and Reminders
 - a. Next Meeting: October 18, 2010 at 4:00 p.m.
 - b. Discuss Dates for November and December meetings
12. Announcements
 - a. Water-Efficient Landscaping – Part II on October 28, 2010 @ 7:00 p.m.
13. Adjournment by 5:30 p.m.



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**TOWN OF PORTOLA VALLEY
ARCHITECTURAL AND SITE CONTROL COMMISSION (ASCC)
Monday, October 11, 2010
7:30 PM – Regular ASCC Meeting
Historic Schoolhouse
765 Portola Road, Portola Valley, CA 94028**

7:30 PM - REGULAR AGENDA*

1. Call to Order:
2. Roll Call: Aalfs, Breen, Clark, Hughes, Warr
3. Oral Communications:

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

4. Old Business:
 - a. Continued Consideration - Request for Modifications to Previous Approval, Garage Addition, 10 Grove Drive, Dhillon *This item will be removed from ASCC Calendar until further notice*
 - b. Continued Consideration of Demolition Permit Requests for Structures at 4394 and 5010 Alpine Road, and Site Development Permit X9H-618, for 5010 Alpine Road, McKinney
5. Approval of Minutes: September 13, 2010 and September 27, 2010
6. Adjournment

*For more information on the projects to be considered by the ASCC at the Special Field and Regular meetings, as well as the scope of reviews and actions tentatively anticipated, please contact Carol Borck in the Planning Department at Portola Valley Town Hall, 650-851-1700 ex. 211. Further, the start times for other than the first Special Field meeting are tentative and dependent on the actual time needed for the preceding Special Field meeting.

PROPERTY OWNER ATTENDANCE. The ASCC strongly encourages a property owner whose application is being heard by the ASCC to attend the ASCC meeting. Often issues arise that only property owners can responsibly address. In such cases, if the property owner is not present it may be necessary to delay action until the property owner can meet with the ASCC.

WRITTEN MATERIALS. Any writing or documents provided to a majority of the Town Council or Commissions regarding any item on this agenda will be made available for public inspection at Town Hall located 765 Portola Road, Portola Valley, CA during normal business hours.

ASSISTANCE FOR PERSONS WITH DISABILITIES

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Technician at 650-851-1700, extension 211. Notification 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting.

PUBLIC HEARINGS

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

This Notice is Posted in Compliance with the Government Code of the State of California.

Date: October 8, 2010

CheyAnne Brown
Planning & Building Assistant



4

TOWN OF PORTOLA VALLEY
Trails and Paths Committee
Tuesday, October 12, 2010 - 7:30 PM
Historic Schoolhouse
765 Portola Road, Portola Valley, CA

AGENDA

1. Call to Order
2. Oral Communications
3. Approval of Minutes – September 14, 2010
4. Financial Review
5. Old Business
 - A. Trail Work - September
 - B. C-1 Trail
 - C. Trail project priorities
 - D. Safe Routes to School
 - E. Spring Down Open Space
 - F. Dengler Preserve
6. New Business
 - A. New Candidates for Committee – Interview Process
 - List of applicant names will be handed out at the meeting
 - B. Town Council Liaison – Other trail related matters
7. Other Business
8. Adjournment

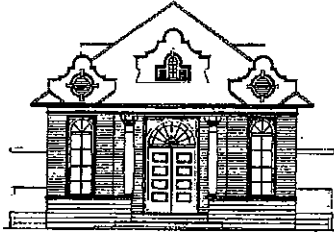
Enclosures:
Minutes of September 14, 2010
September Financial Review
September Trail Work and Map
Newly adopted Trails Committee Charter.



TOWN OF PORTOLA VALLEY
Meeting of the
Emergency Preparedness Committee
Thursday, October 14, 2010 - 8:00 AM
EOC / Town Hall Conference Room
765 Portola Road, Portola Valley, CA 94028

AGENDA

1. Call to order
2. Oral communications
3. Review and approve minutes of August 28 and September 9 (if available as a handout at the meeting)
4. Discussion and review of September Special Joint EPC-Town Council meeting (5th Wed meeting)
5. Discussion of Annual process calendar (revised 'lite' version)
6. Discussion of subcommittees (new subcommittees needed, permanent or ad-hoc basis). Specific recommendations
 - Radio/Communications permanent subcommittee
 - CERPP integration subcommittee, expanding from previous charter of discussions
 - Operations subcommittee (permanent) who would meet jointly with CERPP Ops subcommittee (regular or semi-regular basis)
7. Discussion of October CERPP exercise/training (10/23) and Cal Shake-out (10/21)
8. Report from sub-committees
9. Review of Goals for the year (standing agenda item)
10. Discussion of Chair for EPC in 2011
11. Other business
12. Adjourn promptly at 9AM



6

**Town of Portola Valley
Cultural Arts Committee**
Thursday, October 14, 2010 – 1:00 PM
Historic Schoolhouse
765 Portola Road, Portola Valley, CA 94028

AGENDA

1. Call to Order
2. Oral Communications
3. Approval of Minutes from September 9, 2010
4. Introduce members and visitors
5. Art / Christmas Faire, determine if to hold and if so who will manage?, form subcommittees
6. All members need to volunteer
7. Jeannette discuss art selection procedures and next steps
8. Susan Thomas tile installation update, prep for Town Council meeting
9. Adjournment

Enclosure: Minutes of September 9, 2010 Committee meeting



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Town of Portola Valley
Nature and Science Committee Meeting
Thursday, October 14, 2010 – 4:00 pm
Historic Schoolhouse
765 Portola Road, Portola Valley, CA

MEETING AGENDA

1. Call to Order
2. Oral Communications (Anyone wanting to address the committee OR anyone wanting to speak on something that is not on the agenda)
3. Approve minutes of August 10, 2010 meeting
4. Introduction of potential new member, Foster Beigler
5. Reports:
 - a. Star Party success
 - b. Nature and Science classes
 - c. Revised Committee charter and meeting time
 - d. Woodcutters' Cottage progress
6. Budget:
 - a. Discuss annual Budget for 2010/2011
7. Planning:
 - a. Radio controlled flight demonstration and program
 - b. Future programs by Sheldon Breiner and Leslie Field
 - c. Action items for Nature Center location/facility
 - d. Mid-Peninsula Regional Open Space District about Nature Center
8. Action Items:
 - a. Election of committee chairman and vice chairman
 - b. Possible vote on committee membership
 - c. Possible vote on Nature Center location/facility
 - d. Budget for expenditures
 - e. Set times for upcoming events and for next meeting Monday, Dec. 6, 2010
9. Publicity:
 - a. Article in *PV Post* about Nature and Science committee activities
 - b. *The Almanac*
 - c. Town website revision for committee input – ads for future programs
 - d. PV Forum
 - e. *Tuesday Post* for schools
10. Other reports including Sub-Committee/Liaison Reports:
 - a. Climate Protection Task Force
 - b. Conservation Committee
 - c. Sudden Oak Death Study Group
11. Adjournment: Special meeting time for December