



TOWN OF PORTOLA VALLEY

7:30 PM – Regular Town Council Meeting

Wednesday, October 27, 2010

Historic Schoolhouse

765 Portola Road, Portola Valley, CA 94028

REGULAR MEETING AGENDA

7:30 PM – CALL TO ORDER AND ROLL CALL

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

ORAL COMMUNICATIONS

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

CONSENT AGENDA

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

- (1) [Approval of Minutes – Special Town Council Meeting of October 12, 2010](#)
- (2) [Approval of Minutes – Special Town Council Meeting of October 13, 2010](#)
- (3) [Approval of Warrant List – October 27, 2010](#)

REGULAR AGENDA

- (4) [Recommendation by Town Planning Consultant – Amendment and Addition to Title 18 \[Zoning\] related Geologic Matters](#)
 - (a) Second Reading of Title, Waive Further Reading, and Adopt 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. __)
- (5) [Recommendation by Town Attorney – Adopt a Resolution regarding Wireless Antenna Facility](#)
 - (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Granting T-Mobile West, Inc.'s Appeal and Approving Conditional Use Permit X7D-170 for a T-Mobile Wireless Communications Facility (Resolution No. __)
- (6) [Discussion and Council Action – Cultural Arts Committee with Proposed New Location for Tiles](#)

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

- (7) [Recommendation by Art Panel – in Consideration of Artwork Donations](#)
- (8) [Appointment by Mayor – Request for Appointment of Member to the Nature and Science Committee](#)
- (9) [Appointment by Mayor – Request for Appointment of Member to the Teen Committee](#)
- (10) **Reports from Commission and Committee Liaisons**
There are no written materials for this item.

WRITTEN COMMUNICATIONS

- (11) [Town Council Weekly Digest – October 15, 2010](#)
- (12) [Town Council Weekly Digest – October 22, 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).

SPECIAL TOWN COUNCIL / SITE VISIT MEETING NO. 802, OCTOBER 12, 2010

ROLL CALL

Mayor Toben called the meeting to order at 4:04 p.m. and Clerk Hanlon called the roll.

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

Absent: Councilmember John Richards

Others: Assistant Town Manager McDougall, Town Planner Vlastic and Clerk Hanlon

ORAL COMMUNICATIONS: None

REGULAR AGENDA

Public Hearing and Site Visit: View and discuss the proposed site of a T-Mobile Wireless Cellular Facility.

Mayor Toben opened the meeting by welcoming attending residents and introducing T-Mobile representatives who would be providing an overview of the proposed project. The meeting was called so that the Town Council and residents alike could view the site, the proposed wireless facility location, and obtain additional details of the project as this would be a public hearing item on the October 13 Town Council meeting agenda.

Greg Guerrazzi, consulting architect for T-Mobile, provided a detailed project description and answered questions from attending residents. Additional consultants present representing T-Mobile were attorney Paul Albritton, consulting engineer Bill Hammett, and arborist for the project, John McClenahan. Also in attendance was John McCall representing California Water Service, property owner of the 1.3 acre site and Tom Vlastic, Town Planner and Karen Kristiansson, Principal Planner, who were present representing the Town of Portola Valley.

At the close of the meeting Mayor Toben asked residents for final comment and extended an invitation to attend the October 13 Town Council meeting where the topic would appear as a public hearing item on the agenda.

ADJOURNMENT: 5:00 p.m.

Mayor

Town Clerk

SPECIAL TOWN COUNCIL MEETING NO. 803, OCTOBER 13, 2010

ROLL CALL

Mayor Toben called the meeting to order at 7:32 p.m. and led the Pledge of Allegiance. Ms. McDougall called the roll.

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

Absent: Councilmember John Richards

Others: Janet McDougall, Assistant Town Manager
Sharon Hanlon, Town Clerk
Sandy Sloan, Town Attorney
Tom Vlastic, Town Planner
Karen Kristiansson, Principal Planner

Mayor Toben noted the unusual meeting location (in Community Hall) and that the use of amplification is almost unprecedented.

ORAL COMMUNICATIONS [7:33 p.m.]

None

CONSENT AGENDA [7:34 p.m.]

By motion of Vice Mayor Driscoll, seconded by Councilmember Derwin, Items 2, 3 and 4 were approved with the following roll call vote:

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

No: None

(2) Minutes of Special Joint Town Council/Emergency Preparedness Committee Meeting of September 29, 2010

(3) Ratification of Warrant List of October 13, 2010 in the amount of \$157,596.77

(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. 2507-2010)

REGULAR AGENDA

(1) Minutes of Regular Town Council Meeting of September 22, 2010 [*Removed from Consent Agenda*]

By motion of Councilmember Driscoll, seconded by Councilmember Wengert, the minutes were approved as amended 4-0.

- (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 [7:37 p.m.]

Mayor Toben indicated that he and the Town Council have been well-briefed on the issue, and thanked everyone involved for their care and thoughtfulness in expressing their views. The issue is highly sensitive in that it touches on core elements of what Portola Valley is about, he said, and it is rare that the Council grapples with matters that involve federal law. Mayor Toben also said that while the Council is conscious of the pressure on local governments to seed the telecommunications field when it comes into conflict with local land use policies, it is also mindful of obligations and opportunities to make the best of the situation and arrive at a result that will accommodate both the will of the U.S. Congress and the interests of Portola Valley residents.

A number of those who have commented on the issue, he said, recommended that the Town stop addressing it on an ad hoc basis, but rather undertake a proactive strategy for plotting out a plan with regard to telecommunication facilities. Agreeing with that approach, he consequently asked Mr. Vlastic to develop a program.

Summarizing the program he is working on, Mr. Vlastic referenced his October 5, 2010 memorandum to the Town Council. Entitled "Update on the Status of Town Planning Efforts relative to Wireless Communication Services for Portola Valley," this memorandum also was included in the October 8, 2010 weekly Digest. The memorandum outlined background about what the Town faced in the 1990s, when a policy statement regarding wireless communication facilities was developed. After that, several pole-mounted antenna installations were approved, mostly at the Woodside Priory but also within the Portola Road and Alpine Road corridors. Some of those installations have been upgraded since that time to accommodate the next generation of service, primarily for Sprint, AT&T and Verizon.

Mr. Vlastic noted that while the Telecommunications Act has not changed dramatically since its inception, case law in terms of antenna siting continues to evolve and prove beneficial in evaluating the situation. He said that as part of moving ahead to develop a program, a task force will be established that includes representation from among community residents, Town Council, Planning Commission, Architectural and Site Control Commission and perhaps the Cable and Utilities Undergrounding Committee and others. This Wireless Task Force (WTF) would have input from the Town Attorney relative to the legal framework as well as access to information about how other communities deal with the issue. In the context of the Town's zoning provisions, this will help Portola Valley regulate and control facilities to minimize the impacts that have been identified and respect the unique condition of the community but at the same time address an expanding demand for wireless convenience. For example, he said, most applications for new homes either include or anticipate wireless service installations.

According to Mr. Vlastic, the plan is to form the WTF soon and come back to the Town Council with a specific program and timeframe for implementation. Mayor Toben indicated that information will be provided about how interested community members might become involved with the WTF.

Among the materials relevant to the T-Mobile appeal, Mayor Toben mentioned that the Town Council has reviewed all the materials that the Planning Commission had at its meeting on July 7, 2010, plus the extensive communication received since then from residents as well as from T-Mobile. He also reemphasized that this matter must be considered within a rigorous framework of federal law. For that reason, he invited Ms. Sloan to describe the decision tree the Council is bound to follow.

Ms. Sloan said that the best way to think about the legal framework is by first knowing that two laws govern the decision. One is the Portola Valley code regarding the issuance of use permits and the other is the Federal Telecommunications Act (TCA), which preempts local law by outlining the authority local governments have in considering wireless communication facilities. She said it is also important to remember the purpose of the Telecommunications Act, as stated in its preamble – "to prevent regulation that would prohibit, or have the effect of prohibiting, the provision of personal wireless services and to prevent regulation that would discriminate between carriers." Somewhat similar is California law

governing school districts; a school district building something for classroom purposes has the right to trump local zoning.

Although the TCA has not been modified a great deal since its passage, each amendment has strengthened the TCA's power while weakening the power of local agencies. For instance, on November 18, 2009, the Federal Communications Commission (FCC), which comes up with regulations to implement the TCA, ruled that the phrase "an agency must act within a reasonable time" on an application meant the timeframe would be no more than 150 days for a new tower. She said this would rule out placing a last-minute moratorium on an application already deemed complete and in the pipeline.

First and foremost, Ms. Sloan said, the TCA states, "No local government may regulate the placement, construction or modification of personal wireless service facilities on the basis of environmental effects of radio frequency (RF) emissions if such facilities comply with the FCC regulations concerning such emissions." Nor do local governments have the right to make the emissions standards stricter than the FCC's, she added. Courts not only have overruled cities that have denied facilities based on RF concerns, but have looked at whether the decision was implicitly based on such concerns even though other concerns were expressed.

While the TCA does not prohibit regulation based on aesthetics, Ms. Sloan explained, any decision regarding aesthetics – like any quasi-judicial decision the Town Council makes – must be based on substantial evidence that is based on facts in the record. The Planning Commission had asked what constitutes substantial evidence. According to courts, she said substantial evidence is "such relevant evidence which a reasonable mind might accept as adequate to support a conclusion." It "requires more than a mere scintilla of evidence but less than a preponderance."

For about the last eight years, Ms. Sloan said, federal courts (including the Ninth Circuit Court of Appeal) have interpreted the TCA to require an agency to approve a wireless facility despite substantial evidence of negative aesthetic impacts if the company making the application has demonstrated that 1) there is a significant gap in coverage and 2) the proposal is the least intrusive means to fill that gap. Because the determination regarding "significant gap" comes out of federal case law and not language in any statute, there is no definition of "significant gap." Whenever it comes up, Ms. Sloan explained, courts have stated that it is a very fact-specific issue. However, she added, looking at all the court cases that have discussed significant gaps, we know:

1. It is a gap if it is a gap in a service provider's own coverage; in other words, an agency can't claim that other companies fill that gap;
2. Lack of in-building coverage is sufficient to constitute a significant gap;
3. A carrier is not guaranteed to be free of small dead spots (although "small" is not defined);
4. Experts hired by the agency will be given great weight;
5. An agency cannot tell a carrier which technology to use to fill a gap.

The most recent Ninth Circuit case dealing with significant gap gave a list of factors that other courts have considered, and implied that courts have used any one of these factors to determine a significant gap. She said that these factors would be addressed in the staff report. With comments from the courts and the information in the staff report, Ms. Sloan said that the Town Council needs to evaluate T-Mobile's evidence and its claim that it is filling a significant gap. If the Town wants to refute T-Mobile's evidence, the Council needs substantial evidence to support its conclusion. If the Council finds a significant gap, it must go on to determine whether the alternative T-Mobile proposes is the least intrusive to fill the gap. The Planning Commission had found the gap not significant but thought this location was the least intrusive.

Ms. Sloan, drawing from Mr. Vlastic's memo, outlined possible Council actions:

1. If the Council agrees with the proposed Mitigated Negative Declaration conclusion that the project does not have the potential to have significant aesthetic impacts, it should approve the Mitigated Negative Declaration. However, if the Council disagrees, it should not approve it.
2. If the Council can make all eight findings necessary for the Conditional Use Permit (CUP), it should approve the permit. If the council cannot make all of the findings, it should not approve the permit right away, but move on to Item 3.
3. Determine whether there is a significant gap. If the Council finds that a significant gap exists, it should approve the CUP on that basis and move on to Item 4.
4. Determine whether the T-Mobile application proposes the least intrusive means to fill the gap.

Councilmember Wengert asked whether the Council could deny approval of the Mitigated Negative Declaration without going on to deny the CUP. If so, could that outcome prove troublesome? Ms. Sloan said that she believed the answer to both questions would be yes.

Vice Mayor Driscoll pointed out that in his experience, coverage in Portola Valley is chaotic, with calls sometimes dropped in places where he supposedly has coverage, and going through in places where they shouldn't. Rather than a gap, he said it seems more a random distribution that varies over time, depending on a number of factors such as the handset being used and the provider. This leads him to difficulty in understanding the term "gap," because it suggests a void between areas of adequate coverage. Ms. Sloan said she may not be the best one to address this, but as she reads the cases, it isn't a matter of "everything in Town is adequate and this is a gap." She said that she suspects the carriers would say there are many gaps in Portola Valley.

Mr. Vlastic indicated that a site meeting on October 12, 2010 provided an opportunity for the Council to observe conditions at and around the site, and hear presentations by T-Mobile going over its initial proposal and alternatives. T-Mobile's RF engineer also was present, set the context for the RF conditions that the Town Attorney reviewed, and took questions from neighbors. Mr. Vlastic said that this is in addition to what is contained in the staff report.

Pointing out that the staff report tracks the legal framework and provides staff analysis of several factors Ms. Sloan outlined, Mayor Toben invited Ms. Kristiansson to offer more guidance from the report to help the Council in its deliberations.

Ms. Kristiansson pointed out that the original application was for a 45-foot pole with antenna within a 50-foot faux tree, with a 15x15-foot enclosure for ground equipment. At the Town's request, T-Mobile provided plans for a 50-foot monopole and also for a taller monopine, a 55-foot pole within a 60-foot tree to allow for future collocation. The Town Council will be considering this application as new (*de novo*), and therefore will act on all parts of the application. Information available now, Ms. Kristiansson said, is more complete than what the Planning Commission had available at its July 7, 2010 meeting – primarily T-Mobile's Exhibit E and Alternatives Analysis as well as additional information from the Town Attorney.

Ms. Kristiansson said that staff recommends that the Council discuss and consider each of the four items Ms. Sloan described before reaching a final decision on any of them to ensure that all actions taken are consistent. The Portola Valley Municipal Code requires the Town Council to act on this item by resolution, so staff recommends that the Council not take final action until staff has had time to put together a resolution for the actions it decides to be presented on the Consent Calendar at the next Council meeting.

In terms of the Mitigated Negative Declaration, which was released on April 1, 2010, the Town received no written comments but staff looked at the aesthetics and potential impacts on birds. Based on the analysis, which is discussed on pages 7-8 of the staff report, Ms. Kristiansson said that staff believes the

Mitigated Negative Declaration does disclose the potential environmental impacts of the project and that it is adequate under CEQA.

As for the Conditional Use Permit, Ms. Kristiansson explained that the Zoning Code allows wireless communication facilities with a CUP, and sets forth eight required findings (pages 8-13 in the staff report). The findings address issues such as impacts on abutting properties and compatibility with surrounding land uses, the General Plan and Zoning Ordinance. If the Council cannot make the eight findings, the TCA and related court cases require its consideration of two additional issues – the significant gap and the least intrusive means of filling that gap.

Ms. Kristiansson pointed out that T-Mobile provided coverage maps and drive test results showing that there is no coverage in the area, and the Town hired RCC Consultants to assess the results and conduct its own independent drive tests, which also showed lack of coverage in the area. The Planning Commission had questioned whether that coverage gap was significant, and as the Town Attorney indicated, there is no clear definition to go by. She added that RCC's Dieter Preiser could answer the Council's questions about RCC's peer review and technical aspects of the application.

Lacking a clear definition of "significant gap," Ms. Kristiansson said we must look at the factors courts have considered and to which Ms. Sloan alluded to earlier. These factors, described and discussed on pages 13-16 of the staff report, include two that are particularly relevant – one about the nature and character of the area, including the number of potential users, and the second about whether the gap poses a significant public safety risk.

If the Council finds that there is no significant gap, it can deny T-Mobile's appeal, Ms. Kristiansson said, but if it does find a significant gap, the Council must then determine whether the proposed facility would be the least intrusive means of filling the gap.

During discussions with the ASCC and the Planning Commission, as well as in the peer-review process, the Town looked at both alternative sites and alternative technologies. Some of the sites considered were in the western hills, but they would not provide coverage in the identified gap area. The lower elevation of the Priory site ruled out that location, because it would require an antenna at least 200 feet tall to cover the gap. Nor did the analysis find any feasible alternatives that are less intrusive than what T-Mobile proposed. Neither micro cell nor Distributed Antenna System (DAS) technologies, which were discussed in the peer review report, would provide sufficient in-building coverage to fill the gap. T-Mobile does not support femtocell technology, which basically consists of in-home wireless communications base stations, and federal law prohibits considering femtocells as a way to fill a significant gap.

Vice Mayor Driscoll, noting that "lack of coverage" and "significant gap" seem to be synonymous, asked if that is included in the law. Ms. Sloan said that her sense is that yes, the courts seem to use those terms to mean the same thing. Further, she said that areas of significant gaps may have "poor coverage" or "spotty coverage" too. Vice Mayor Driscoll said that in reviewing the materials, he kept sensing a philosophical difference between filling a hole in an incompletely deployed system versus extending the coverage area. For that reason, he wonders whether the law intends to infill or propagate the system beyond its current boundaries.

Mayor Toben suggested that T-Mobile's counsel, Paul Albritton, respond in presenting T-Mobile's case for reversal of the Planning Commission's denial of its CUP.

Greg Guerrazzi of ZON Architects, representing T-Mobile, began the appellant's presentation, pointing out that the company's application has been pending with the Town since September of 2009. T-Mobile is requesting a 50-foot antenna support structure; any additional height would be in response to Portola Valley's desire for potential future collocation of other carriers. The proposed location is between several trees just north of the water tank. The original location on the high point of the property is not being pursued due to staff and ASCC input, Mr. Guerrazzi said. Facilities can be located elsewhere on the property at the Town's discretion, except at the southerly portion due to terrain and trees, and the antenna cannot be placed on the water tank.

T-Mobile's options include an antenna-support structure that resembles a tree or simply installing a pole. The pole with tree would be approximately 24-30 inches in diameter, depending on the foundation design, and the branch spread would be 15 feet. As Mr. Guerrazzi described it, the facility would consist of several equipment cabinets and the antenna support pole, all enclosed in a 15x15-foot compound surrounded by a 6-foot fence. A generator is not part of the project. The facility would be set back approximately 30 feet from the nearest property line on Peak Lane. The pole would be approximately 100 feet from the Vedder residence to the northeast, 140 feet from the Kelly residence to the northwest and 108 feet from the Fanton residence to the south and on the other side of the water tank.

This is the only nonresidential parcel in the coverage area that can support the facility, Mr. Guerrazzi added. He said that the facility will comply with all Town codes related to noise, setbacks and the Zoning Ordinance, with all FCC requirements related to RF emissions, and all building codes. The subject property was selected because it is located at a high point in the terrain and currently supports a utility usage. The property also has several tall utility poles on the southern boundary and many tall trees. Due to the line-of-sight technology requirement, the antennas must have a view over the coverage objective.

The Alternatives Analysis addresses these issues of siting. Mr. Guerrazzi said that more than 20 trees, ranging from 34 to 83 feet tall, are within 75 feet of the location and will provide screening. T-Mobile will install additional landscaping as well. During the October 12, 2010 site visit, he said, it was apparent that many of the neighboring properties have beautifully landscaped yards and gardens, confirming that landscaping can be installed, survive and grow in this environment.

The facility compound will be set back approximately 30 feet from the nearest property line, which is more than many of the neighbors' studios, sheds and outbuildings – and even a few of the houses – are set back, Mr. Guerrazzi pointed out. A neighboring property has a tall privacy fence on the edge of the road. There also is a new home being constructed in the area, elevated to provide a Bay view, making it more visible than the proposed facility for many miles around. Consequently, he said, the location and screening of the proposed facility will make it less intrusive than many of the fences, buildings and existing utility poles in the area.

A Memorandum of Understanding was signed by the Audubon Society and the cellular industry stating that the proposed facility fits into a category that does not require environmental analysis for impacts on birds, and there is no documentation of RF emissions affecting birds.

Wireless communications technology is the technology of the future as well as today, Mr. Guerrazzi continued, noting that an estimated one-third of Californians no longer have landlines and rely solely on wireless communications. The proportion is much higher in younger demographics. The T-Mobile facility will provide an alternative broadband connection to access the internet and allow Portola Valley residents to have an option for their communication needs. Cellular telephone coverage has proven poor in this area for all the carriers; the T-Mobile facility will allow customers of carriers with similar technology platforms, such as AT&T, to place 9-1-1 calls from their mobile phones as well. The Town has received many letters in support of the facility, one citing unreliable landline service in stormy weather, and many residents wanting better cellular communications.

The proposed facility will provide service to an area slightly larger than one square mile; approximately .6 mile in each direction, equating to about 400 residential properties. It will provide service to a section of Cervantes Road, which carries over 600 vehicles daily, and 9-1-1 coverage to about 1,366 people plus people in vehicles and outdoors. Not only is this a large area and considered a significant gap in the T-Mobile network, it also is poorly served by other carriers, Mr. Guerrazzi said. Touring the area with an AT&T phone, he added, he found little to no coverage in that area.

The proposed T-Mobile facility is less intrusive than the utility pole line extension that was installed years ago to serve the nearby homes. It is part of the infrastructure that the residents rely on for their communication needs and will benefit the neighborhood by offering a communications alternative, Mr. Guerrazzi said.

Mayor Toben asked Mr. Guerrazzi to elaborate on the gap that would be filled for emergency services, pointing out that the area has AT&T wireless capability. He wanted to know Mr. Guerrazzi's view on what the addition of a T-Mobile pole would do to address what T-Mobile considers a significant gap, because that is one of the few factors the Ninth Circuit considers applicable. First, Mr. Guerrazzi noted that he and Mr. Albritton drove the area extensively with an AT&T phone, and found "no service, searching for network" constantly. Because The FCC required AT&T to sell the Cingular network in this area to T-Mobile, he said, 9-1-1 service sometimes goes through on either T-Mobile or AT&T phones, but no roaming agreement allows T-Mobile phones to use AT&T services. He indicated that the network needs the proposed facility to enable triangulation of calls to pinpoint the location of the device from which an emergency call is made. The proposed facility will clearly improve the signal and the chance that someone will get through on a 9-1-1 call, he said.

Mr. Albritton said that the Planning Commission's determination about aesthetic impacts of the proposal was made on the basis of ASCC findings, the issue of poor soils and the idea that trees might die. Yet, he pointed out; the Mitigated Negative Declaration identified no significant adverse aesthetic impacts. Further, he said, walking around the site on October 12, 2010 and looking at it from the Vedder, Kelly and Fanton perspectives, there are no direct views of the facility, while trees and other landscaping shield what they could see.

Mayor Toben referenced a letter from a resident indicating that she had coverage driving down side streets all along Westridge Drive, where T-Mobile claims it has no coverage. He also noted that RCC's independent drive tests, on the other hand, seem to confirm gaps. In response, Mr. Albritton pointed out that waves do bounce and propagate depending on weather, time of day and other factors. While federal courts consider drive test data and coverage maps prepared by professional techniques to be credible evidence, he explained, they have not considered anecdotal evidence supplied by individuals as reliable.

Indicating that the significant gap issue becomes relevant only when evidence to deny the application on that basis is substantial, Mr. Albritton claimed that the Planning Commission had no evidence to back up its assertion. Because RCC had confirmed a significant gap, Mr. Albritton acknowledged that T-Mobile did not originally provide as much evidence on that score to the Planning Commission as it could have. Now, it has submitted information supporting its claim of a geographical gap of more than 1.1 miles and a population gap of 1,366 residences that the proposed facility would fill. In addition, he said, coverage would extend to trails, where it is important for people to carry cell phones in case of emergencies.

From a public policy perspective, Mr. Albritton described the project as essentially a telephone pole of 45 to 50 feet, no more intrusive than any of the other poles – in fact, less intrusive in that it lacks wires and is set back from the property line.

Mayor Toben pointed out that the record includes extensive input from residents, which has been of great benefit to the Council. In opening the public comment period, he asked speakers to limit themselves to two minutes each.

Bob Nebrig, Grenada Court, said that although he would not see the pole from his residence, he believes it would be a big mistake for the Town Council to agree that there is a significant gap in coverage. Using a T-Mobile map, he outlined the coverage area on a Google map that he distributed to councilmembers. Acknowledging that the Town is constrained by federal law, he said that federal law requires T-Mobile to convince the Council that the gap in coverage is significant. "They haven't met their burden," he said. He stated that the declaration of William Daugherty (T-Mobile's Senior Radio Frequency Manager) that 25% of the people in Portola Valley live in that area is not true. Mr. Nebrig added that if the Council approves T-Mobile's application, it will set the "gold standard" of Town policy for a significant gap for all other carriers.

William Kunz, Golden Oak Drive, said that his home is just down the bend from the tower. In terms of the significant gap issue, he said that while the Ninth Circuit did not look at another carrier's service to fill a gap, in 2003, the Third Circuit decided in favor of the users' perspective that any service can fill the gap. Mr. Kunz suggested that latter case might establish an appropriate precedent in this situation. He also

said that AT&T, Sprint and Verizon offer femtocells, although T-Mobile does not. However, he noted that last week T-Mobile announced the launch of its own WiFi version for connectivity. Quoting from an October 6, 2010 press release, he said that T-Mobile announced "its continued innovation of WiFi calling technology with the upcoming availability of built-in WiFi Calling solutions planned for a wide selection of Android-powered smartphones" thus allowing users to make calls over wireless networks in areas without cellular coverage. "You don't need towers," Mr. Kunz concluded. Referring to the map that Mr. Nebrig was discussing, he said that according to his calculations, it would take 10 towers to "totally green the page" (i.e., provide total in-building coverage to fill T-Mobile's significant gap).

Ray Conley, Paso Del Arroyo, addressed the legal dimension of the decision in terms of federal constraints and Issues of state sovereignty versus federal rights. He quoted the Tenth Amendment of the U.S. Constitution: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." Nothing in the Constitution, he argued, gives federal rights to legislate on telecommunications. He said that when a governing body such as the Portola Valley Town Council has the courage to say "no" and if it gets challenged in the courts, the Supreme Court has no ability to uphold the TCA on a constitutional basis to infringe on state rights.

Bill Kelly, Peak Lane, focused on points surrounding landscaping on the proposed site and the traditional values applied with the CUP written in the early 1990s. The trees there were planted 20 years ago and basically ignored ever since, he said, in violation of the permit granted at the time. As a result, it does not have the shielding it would have if the property had been carefully managed with multiple generations of trees in place. The arborist's report indicates that the trees will die within a few years, which would leave the T-Mobile monopine naked, standing 55 feet tall, while new redwoods grow at the rate of one foot per year. He said that he has seen nothing to indicate that the property owner has not violated that CUP, a situation that the Town must consider. Given Cal Water's longstanding history of noncompliance with its CUP, no additional offending uses should be allowed on that property at least until there is some substantial demonstrated record of compliance. If the Town rests its decision on that particular point, he said it will be in a very defensible position to protect its values.

Mayor Toben noted that Mr. Kelly's point about Cal Water's maintenance of the landscaping came up at the October 12, 2010 site visit. The Town Planner had indicated that the T-Mobile application would enable the Town to come in and impose new conditions with much greater clout, with violation of landscaping conditions possibly leading to suspension or revocation of the T-Mobile permit.

Gary Fanton, Golden Oak Drive, said he wanted to echo some of Mr. Kelly's points, and added that even with all of the focus on the property, Cal Water still has not shown the respect for the property that it should. In reference to Mr. Guerrazzi's compliment about the neighbors' vegetation, he pointed out that it took 23 years to grow their trees. He indicated, too, that the soil is very poor. He also stressed that the neighborhood – not only the three adjoining properties – shares this site, as do the people who drive by every day. Mr. Fanton also is concerned about conditions of relocation if T-Mobile goes out of business and/or alternate cell service is identified, and about how landscaping maintenance would be monitored.

Virginia Bacon, Golden Oak Drive, said it is important to view this issue from the point of view of needing multiple means of communication, and cellular phone service is just one component of a complex communications world – not a "magic bullet." Landlines remain important even if some people elect not to have landline service. Walkie-talkies are also important in terms of emergency communications.

Karen Fanton, Golden Oak Drive, indicated that in the 20-plus years they've lived in the home they built, they are the only ones to call Cal Water to inform them about dead trees on the property. She also said that workers used cell phones throughout seven months' worth of remodel construction on their property that was completed recently. They used their cell phones both in the driveway and inside the house, and declined offers to use the Fantons' landline. She also pointed out that the arborist is concerned about how new channels for conduit or piping that Cal Water is putting in will affect trees on the property.

Mary Jane Kelly, Peak Lane, said that AT&T wireless service works at her house. She also asked that since Cal Water has had some 20 years with no one enforcing conditions of its use permit, who would

regulate compliance with a new use permit? She said some people ask for forgiveness while others ask for permission, and they just want more permission; she does not understand the logic.

John Vedder, Golden Oak Drive, said he is concerned about measurements. The proposed pole enclosure is supposed to be 15x15 feet, he said, which would reach the top of the Peak Lane embankment and put the Cal Water property line 25 to 30 feet from the edge of that enclosure. In that context, he asked what zoning regulations say about proximity of such enclosures to property lines. He wants confirmation of the Cal Water property line. He also said that he challenges Mr. Albritton's statement that the monopole would not be visible from the Vedder residence; it would be very obtrusive.

In response to Mayor Toben's request for relevant data, Mr. Vlasic explained that the Cal Water property's front parcel line is taken from Golden Oak; the side property line is from Peak (just as on the Vedder property; their house is within 25 feet of the Cal Water's side property line). Zoning regulations allow a 6-foot fence to extend within the setback area, Mr. Vlasic said, while the enclosed equipment itself would have to be at least 20 feet from the side property line.

Gene Chaput, Alamos Road, said he supports the Planning Commission's decision. With an iPhone and AT&T service, he said that he's never had a dead spot in Portola Valley – not scientific evidence, he admitted. However, as a former marketing person, he said he would like to know what percentage of Portola Valley residents have cell phones – 80%? 90%? He also wonders what percentage of those users have T-Mobile service, and who needs T-Mobile service?

Diane Vedder, Golden Oak Drive, said that an out-of-state guest staying with them had a T-Mobile phone that worked just fine. Claiming that the view from her house is very disruptive, Ms. Vedder said that the picture in the T-Mobile report was taken from Golden Oak, "way down around the corner – nowhere near living right up from our front door, where you can see the water tank has still not been obscured by plantings as they promised when they put that in." Having the residence for nearly 52 years, she indicated that her family was there when old wooden tanks looked natural and unobtrusive and the lot was covered with chaparral. Now, she said, this "monster tank" has not been screened and they are threatening to put equipment within 20 feet of the property line. With three homes fronting Peak Lane, she said she does not know why Peak Lane is considered a side street or why it does not get a 50-foot setback.

Stephanie Knott, Pineridge Way, which would be served by the new tower, said she has not yet decided whether she favors or opposes the project, but wanted to raise two points. First, a T-Mobile user for several years, she said she has service in certain parts of the house but certainly finds gaps in coverage on Cervantes and on Westridge. Secondly, her landline has been out for at least a week after a storm, so lack of communication at certain times is an issue.

Sue Chaput, Alamos Road, said that at the Planning Commission meeting, the RCC consultant spoke to the fact that there was spotty coverage. She said that it is a big concern of hers that people are using cell phones while they drive, hands-free or not. The generator issue also came up at the Planning Commission meeting, and she asked for confirmation that there would be no generator on the property. Mayor Toben explained that the Water District has one, but no generator is planned for the T-Mobile installation.

Ms. Chaput asked also, "Can we be fooled that we could possibly get through to 9-1-1 on a cell phone? We cannot. You need to call your local sheriff, your local fire department by their number – not by 9-1-1. You cannot get through on a cell, and we all know it," she said.

Fred Rios, California Water Service Company, offered assurance that Cal Water representatives attend Town hearings. In response to comments about property upkeep, he said, "As the saying goes, you can please some of the people some of the time but you can't please all of the people all of the time." Cal Water feels "darned if we do and darned if we don't," in that they've been asked to clean up landscaping for fire safety reasons but then hear that they've ruined the screening around the tank. He said that Paul Molder, who responds to complaints, goes to the site as soon as he gets calls.

Mr. Rios addressed the comments about the trenching in particular. He said the water company had three 100-gallon redwood tanks before a fire in the area caused some damage and they were emptied within 30 minutes. In assessing replacement equipment, they originally wanted to install a million-gallon tank to cover for fire fighting, which was opposed as being too big. The existing tank holds 750,000 gallons. The trench being dug around it will house computing equipment to automatically maintain the level of the tank, which is another safeguard to keeping the tank full.

Mayor Toben responded in part, saying that accumulations of undergrowth and ladder fuels pose a terrific fire hazard and need to be cleaned up, but no one wants the screening to go away. They want it maintained, enhanced and improved. He further stated that there is concern that conditions of the CUP dating back 20-plus years have not been met at the level the Town and the neighbors would like to see. There is a need to balance the needs of the larger community and the immediate neighborhood, be sensitive to the differences and accomplish both screening and fuel-management objectives.

In response to Carol Sontag, Golden Oak Drive, Mr. Guerrazzi said that the tower would be more than 200 feet away from the Sontag home. Ms. Sontag also said that a tree that blew over onto a telephone pole on the Cal Water property remained hanging there from December 2009 until August 2010, and that the property was also the source of a rat problem in the neighborhood. She encouraged the Town Council to have the strength to say "no" to T-Mobile, and pointed out that advancing technology is likely to make the need for a new tower questionable. Potential health effects also call for careful consideration, she suggested. A diabetic nurse clinician and school nurse in the Palo Alto schools, Ms. Sontag said that 40 years ago, the incidence of diabetic children was one in 20,000; now it is one in 600. She said that we don't know the cause of that, nor do we know the effects of long-term radiation, food additives and so on.

Christopher Ramsey, Peak Lane, said that as the new owner of that property he is proud to be a member of the community and would like to offer his support as a member of the task force Mr. Vlasic described. He said that an arborist found bark beetle in several pine trees on his property, and if trees on the Cal Water property are infested also, those trees might not last long. As the father of a four-year-old who would be living within 80 yards of the tower, he said he talked to a neuroscientist who studied functional magnetic resonance imaging (MRI) in the brain, and there were definite concerns about RF emission effects on developing brains. In terms of the effects of RF emissions, he argued that the jury is still out.

With no more speakers lined up, Mayor Toben invited Mr. Albritton back for closing comments.

In addressing some of the speakers' questions and comments, Mr. Albritton clarified that while T-Mobile builds to an in-building threshold, the gap it seeks to fill also encompasses vehicles and streets and E-9-1-1. The Alternatives Analysis shows where coverage would go; the concept that only residences would get in-building coverage is inaccurate. Its 1,900-foot elevation makes the Cal Water property perfect for a cell site. One of the great benefits of E-9-1-1 service is that counties can have emergency calls routed directly to local responders rather than the California Highway Patrol. Although he acknowledges that the Vedders would see the tower when they step outside their home, he said that its aesthetic impact on their home is not significant.

As for the trees on the site, Mr. Albritton said that the first arborist's report indicated that two trees may die within the next five to 10 years, but the second arborist's report notes that those trees will be fertilized, mulched and protected as much as possible. In terms of precedent-setting, he said that any land use decision is based on findings made for that decision, so approving this site and making the eight findings required would not set a precedent for future decisions on other properties. As the Silicon Valley: Joint Venture pointed out in its letter to the Town Council, this is the coming technology. It allows doctors to communicate with iTap-type products and empowers the community. Mr. Albritton cited a source saying that the technology allows productivity improvements of up to 2% per year.

Mr. Guerrazzi added that the facility will be set back 30 feet from Peak Lane, from the property line to the fence.

Mayor Toben closed the public comment period, and invited the Council to begin discussing the four actions, calling first on Councilmember Wengert for her comments.

Citing both indirect and direct references to T-Mobile's willingness to take on responsibility for site maintenance, Councilmember Wengert asked whether T-Mobile is prepared to take a lead role in that regard, working with the neighbors and the arborists in maintaining and screening as a primary goal.

In response, Mr. Albritton noted that once the landscape plan has been refined, it would go back to the ASCC, and however it is finalized, it is likely to be included in the conditions of approval. He said that T-Mobile does not want to risk losing its license, which is worth billions of dollars. Further, if violation of any conditions of approval occurs, the Town can issue a notice of violation. The Town can force the tower, even the water tank, to come down. He described these as great tools to continue the landscape obligation. There will be an agreement, conditions of approval and the Town's opportunity to issue notices of violation.

Aside from the legal framework, Councilmember Wengert asked what would happen in practical terms, because the situation with Cal Water has clearly been less than ideal. Would T-Mobile – or T-Mobile and Cal Water jointly – be ready to act on concerns about screening, vegetation and so forth, short of the Town having to file a notice of violation?

Mr. Albritton said, "Sure, and there will be a phone number on the site as well, a number to call." He expects a maintenance company to be contracted to provide those services. He indicated that since T-Mobile acquired its network in 2005, it established a compliance group that has been actively going through to bring sites into compliance that had not been previously. It wants to be a good neighbor to continue to provide cellular service.

Mr. Guerrazzi added that as in another arrangement T-Mobile has with Cal Water on another property, there would be a landscape maintenance agreement, with bonds and deposits in place, between both parties and the Town that would be based on the ASCC-approved plan.

Relative to the significant gap issue, Councilmember Wengert asked whether T-Mobile would frame the data the Planning Commission had to work with at its July 7, 2010 – the number of households, etc., and discuss the additional work done to the more robust numbers in its follow-up report. In response, Mr. Albritton said that some confusion resulted from the fact that T-Mobile at the time relied on the Town consultant's confirmation of a significant gap in service. In that circumstance, the focus was on in-building coverage, but the facility is part of a network that requires overlapping sites to avoid dropped calls while moving from one facility to the next. This site, he said, provides that additional coverage, down to the E-9-1-1 coverage that enables a caller to be located by triangulation.

In addition, Mr. Guerrazzi pointed out that after the Planning Commission meeting, T-Mobile conducted another drive test, with a temporary antenna powered up on the site to test the signal strength of the coverage. This helped refine its modeling and numbers.

Vice Mayor Driscoll asked how often T-Mobile's applications for towers have been turned down in communities such as Portola Valley. Mr. Albritton said that a site in San Francisco was turned down, but he believes that T-Mobile is still within the statute of limitations to file suit. He went on to say that since the TCA passed in 1996, several communities have tried, unsuccessfully, to ignore the federal law.

Vice Mayor Driscoll then asked whether T-Mobile would sue Portola Valley if the application is denied. In response, Mr. Albritton said his job is to ensure that information goes into the administrative record that would support litigation. T-Mobile's name comes up "quite a bit" in some of the cases that are litigated, he explained, because T-Mobile has been "fairly aggressive" in working toward making its network equivalent to those of other major carriers.

Councilmember Derwin asked about the track record of the law firm that litigates these cases on T-Mobile's behalf. Mr. Albritton said the law firm was just recently hired after a lengthy process, but he added that the Second Circuit Court of Appeals recently affirmed a district court ruling involving a T-Mobile company and Clarkston, NY, saying that communities could not dictate the use of DAS technology.

Councilmember Wengert said that she sees the crux of the issue as being the definition of significant gap, inasmuch as the Town Attorney and staff alike have advised that the significant gap issue trumps both aesthetics and RF issues. After reviewing the voluminous information, attending meetings, talking with people, and giving it considerable thought, she said that like it or not, we are in the midst of a telecommunications revolution, so it is imperative to get the Wireless Task Force to work as quickly as possible in anticipation. Recalling that no one liked the "legacy" utilities' telephone poles and power lines, either, she stressed the importance of ensuring that the Town manages this situation as tightly and completely as federal law allows if the Town Council decides to overturn the Planning Commission's denial of T-Mobile's application.

Indicating that if she saw reason to support another outcome, Councilmember Wengert said that she would have the courage to do so, but in this case she considers the expert testimony and witnessing to support the significant gap very strong, and does not see even a remotely similar argument to refute it. Much further detailed studies were done subsequent to the Planning Commission's decision, and also research into case law that supports it as well in terms of providing metrics for significance. She found three or four cases that suggested to her that if the Town were to wind up in litigation with T-Mobile, our defense standing would not be sufficient in any material way.

Always at the top of her list of reasons for supporting staff recommendations has been the use of peer review services, considering the sophisticated equipment and techniques at their disposal as well as their expertise. In this particular situation, with the consultant's findings to inform the Council, Councilmember Wengert said she places heavier weight on that evidence. She said this is the number one issue related to the preponderance of evidence that the Council must articulate tonight, and that T-Mobile's additional documentation also supports its case.

As for the question of whether the proposal offers the least intrusive means of filling the gap, Councilmember Wengert noted that even the Planning Commission considered T-Mobile's proposal the least intrusive. She pointed out that the applicant has provided extensive analyses of alternative technologies and alternative locations.

Councilmember Derwin, after reviewing the seven factors the courts consider in their significant gap determination, said she found four of them supported the significant gap claim and a fifth indirectly supporting it. She said that this is the most challenging issue she has dealt with as a Councilmember. Attending the Planning Commission meeting on July 7, 2010, she was not convinced of the Commission's argument. She said that using the General Plan as the guiding document was not appropriate in this instance, considering the constraints imposed by federal law. Although the definition of significant gap remains murky and mysterious and even though it does not feel good to do so, she said that she would consider the gap significant. As for the least intrusive means, she said the T-Mobile proposal is the least intrusive of the options available.

Alluding to the seven significant factors (from the *Sprint v Palos Verdes Estates* case) that she had analyzed, Mayor Toben asked Councilmember Derwin about the two factors that did not support the significant gap argument. She enumerated the factors and her response to each of them

1. *Does the gap affect a significant commuter highway or railway?* No.
2. *What is the nature and character of the area or the number of potential users in the area?* Although residents may be folksy in thinking about the Town as rural, Councilmember Derwin said she is not sure a court would see it that way. Outsiders consider Portola Valley a rich bedroom community, an x-burb and/or a wildland urban interface.

3. *Are the facilities needed to improve weak signals or to fill a complete void in coverage? Yes.*
4. *What do the drive tests show? Based on evidence from the consultant and T-Mobile, they show a gap.*
5. *Does the gap cover well-traveled roads on which customers lack roaming capabilities? Yes.*
6. *Does the gap affect a commercial district? No.*
7. *Does the gap pose a public safety risk? Councilmember Derwin said she may be more convinced now, after hearing what T-Mobile had to say about 9-1-1 service tonight, but she said originally she considered this factor a little "iffy."*

Vice Mayor Driscoll said that he was not able to make all the findings of the CUP, which is why he had early questions about the significant gap terminology. He suggested that he distinguishes between the fringe of coverage and a hole in coverage, and thus is concerned whether the TCA intended to push the edge back or simply infill to provide competition within the existing coverage area. That is the strongest argument he can come up with, Vice Mayor Driscoll said, and it's not very strong. He also said that it is hard to see how the Town would prevail in litigation when its own consultant confirmed the presence of a significant gap. Although his decision is not yet made, he said he is having a tough time not seeing a significant gap.

Mayor Toben said that as he understands what the Town Attorney has explained, any one of the seven factors could meet a court test for significant gap.

On the matter of least intrusive means, Vice Mayor Driscoll said that he doesn't believe the alternative technologies – femtocells, micro cells, DAS – are less intrusive, and in fact they may be more intrusive than the tower T-Mobile proposes. However, Vice Mayor Driscoll also questions whether the current siting is the best it can be. It seems to be crowded up against Peak Lane, which maximizes its visibility from that perspective. Almost anywhere else on the site, he said, it would be less visible to most people driving by, although higher up on the hill, a cell tower would be more visible to the Kellys. He would like the ASCC to go back and see if they can determine a better location.

Mayor Toben said he comes to pretty much the same conclusion as his colleagues. Because they have not had occasion to confer, he said, he is somewhat heartened that their individual analyses have driven all of them toward the same endpoint – "as bitter a pill as it is to swallow." It is painful to look at residents and see their enormous displeasure, but the Council is obligated by law to go forward. He said that he, too, has trouble making the findings on the CUP, which takes him to the significant gap issue. As for the seven factors, Mayor Toben indicated that he came out most strongly on the drive test and the fact that the highly recommended consultant concluded there was a significant coverage gap. He said that the public safety argument is also a strong one for him, because emergency preparedness has occupied a lot of his time on the Council. He believes the proposed tower offers an increment of added coverage that provides some redundancy in capability in the event of a major disaster.

In terms of the Mitigated Negative Declaration, Vice Mayor Driscoll said that one strategy would be to basically stick to the letter of the law and thus perhaps make the cost associated with the facility installation less attractive to the applicant so that they might abandon the whole process. He stressed that he is not proposing to create hurdles that would make it impossible, but he added that he is not convinced that the Mitigated Negative Declaration can be made, and that an Environmental Impact Report (EIR) might be appropriate.

Mayor Toben said that to his reading, the conditions of approval are rigorous. The question of whether an EIR could be required is a dicey one. The only mitigable impacts are under aesthetics, and the notion that the Town could compel an EIR here is sketchy.

Mr. Vlastic said that the Mitigated Negative Declaration basically is dependent on the conditions of approval; it is tied to the conditions that have been set forth. Staff believes that these conditions respond to the issues articulated by neighbors' concerns as well as staff review and analyses. Relative to use permits, he said, enforcement is a much more intensive effort than in the past. If you look at the Priory, Alpine Hills and other facilities, the annual reviews, follow-ups and communication with parties involved all are taking place. The conditions put considerable burdens not only on T-Mobile or any future owner of the facilities, but on Cal Water or any future property owner as well. The intent is to have agreements and bonds as the conditions suggest. These are tied to any action to the Mitigated Negative Declaration, he added, and in the absence of compliance, the Mitigated Negative Declaration no longer would stand.

Councilmember Wengert said that she shares Vice Mayor Driscoll's discomfort with the current siting; like Vice Mayor Driscoll, she tends to favor the first uphill location. She also wants to be sure that siting decisions can be inserted somewhere in the process.

Mr. Vlastic said that not only siting but also design decisions should go back through the ASCC, after which staff could draft conditions to reflect whatever the Council directs. As for facility design, the architectural review process allows for a decision on a monopine versus a pole also, because a slimmer pole painted a dark color to blend with the trees might be better aesthetically. Whether the enclosure goes immediately around the pole or is moved to the side is another decision to be considered by the Town's very careful architectural review process.

Ms. Sloan said that she believes it is too late to require T-Mobile to do an EIR. The application was deemed complete when T-Mobile provided all of the information for the Mitigated Negative Declaration. If the Council believes that the conditions will mitigate aesthetic impacts, she would recommend approving the Mitigated Negative Declaration. The CUP could be denied on grounds other than aesthetics. If the Council wants to turn it down on aesthetic grounds, it should not approve the Mitigated Negative Declaration – but that does not give the Council the authority to ask for an EIR.

Mayor Toben, noting that his sense is that the Council has concerns about making all eight of the required findings of the CUP, asked if Ms. Sloan wanted them to point out which ones could not be met. She said that would be helpful. In response, Vice Mayor Driscoll said that he had trouble with findings 2, 4 and 6, and possibly 1 and 8. Councilmember Derwin said she had trouble with 2, 4, 6 and possibly 1. Mayor Toben said he could not make the findings required for 2, 4 and 6:

- Finding 2 says that the proposed use will be reasonably compatible with land uses normally permitted in the surrounding area and will ensure the privacy and rural outlook of neighboring residences.
- Finding 4 says that the proposed use will not adversely affect the abutting property or the permitted use thereof
- Finding 6 says that the proposed use will be in harmony with the general purpose and intent of this title and the General Plan . . . to conserve the rural quality of Portola Valley and maintain the Town as an attractive, tranquil, family-oriented residential community.

Mayor Toben said being unable to make these findings is really a problem, because these are essential characteristics of Portola Valley. However, he added that the reality is that the federal government has determined that there is a supervening national interest in providing access to telecommunications services.

Councilmember Wengert said that thinking again about the condition of the site, if it were not that the property already contained a 750,000-gallon water tank, she would have problems with findings 2 and 4. She said that finding 6 is the real snag. Mayor Toben said he appreciated her careful reading and conclusion.

Mayor Toben asked Ms. Sloan if the Council cannot approve the Mitigated Negative Declaration because it cannot make all of the CUP findings. She said that was not quite her meaning. If the Council feels the Mitigated Negative Declaration deals with the physical impact and the mitigations are adequate, it should approve the Mitigated Negative Declaration. For example, with finding 6 being problematic, the Council could still approve the Mitigated Negative Declaration but find that the use is not in harmony with the General Plan. However, considering other issues – such as the visual impact on neighbors – the Council might prefer not to approve the Mitigated Negative Declaration.

In response to Mayor Toben's question, "Where does that leave us?" she said we just wouldn't have an approved Mitigated Negative Declaration. Federal law will just trump the State law and the Portola Valley zoning code. It would not undercut the Town's ability to impose conditions, because the conditions are tied to the CUP. In response to Councilmember Wengert asking whether there are other risks to not having a Mitigated Negative Declaration, Ms. Sloan said that it would be preferable to have one, but she did not want the Council to feel bound if they deemed the mitigations insufficient.

Councilmember Wengert moved to adopt the Mitigated Negative Declaration. There was no second. The motion failed.

Mayor Toben invited a motion to approve the CUP. There was none.

Councilmember Derwin moved to affirm a finding that substantial evidence establishes the existence of a significant gap in coverage, thus enabling T-Mobile to proceed with the installation of its proposed facility. Vice Mayor Driscoll seconded and the motion carried 4-0.

Councilmember Derwin moved to affirm that the T-Mobile proposal is the least intrusive means to fill the significant gap in coverage. Vice Mayor Driscoll seconded, but commented that his discomfort with the CEQA action rests on the fact that questions about the precise site of the facility remain, and he doubts that the conditions can be developed fully until that question is resolved. Councilmember Derwin said that her motion considered the site as a whole, not the location within the site.

Ms. Sloan said that Council would be presented with a resolution at the next meeting that fleshes out all of the details. As she understands it, the Council cannot make the finding under the Town code for the CUP, but because there is substantial evidence of a significant gap the use permit will be issued. Vice Mayor Driscoll added that the Council's work is not done yet. Ms. Sloan said that what Mr. Vlasic is recommending is that the Council decide to issue the CUP for the site, with one of the conditions spelling out the exact location of the pole and the exact landscaping plan being sent to the ASCC and ASCC making the final decision. Mr. Vlasic concurred, adding that there are two components to consider:

1. The recommendation that had come out of the ASCC was that there be provisions for collocation of two additional carriers to minimize potential exposure of that site to more poles. However, collocation would increase the height of the tower from T-Mobile's original proposal.
2. In terms of alternative locations on the site, he said they've looked at the elevation, distance from Peak Lane and the Kellys, and the existing trees, all of which leave a limited area. From a planning standpoint, he said he feels comfortable that the flexibility in the final design is not so open-ended that it somehow jeopardizes the CEQA analysis.

Ms. Sloan asked whether Vice Mayor Driscoll is satisfied with what she and the planner recommended that the Council decision be finalized when the resolution comes back to the Council, and that the ASCC would make the final decisions about landscaping and exact siting within the area that Mr. Vlasic described. Vice Mayor Driscoll said yes, although at this point it does not change his view of the CEQA issue.

Councilmember Derwin suggested adding a condition requiring annual monitoring of RF emission levels in the neighbors' homes, at least the three closest residences. Councilmember Wengert raised a similar point, thinking that such monitoring could be provided on request, but at least on annual basis.

In response, Mr. Vlastic pointed out that a condition already calls for a monitoring within six months, and thereafter on an annual basis, and that the monitoring be subject to peer review. He cautioned that locations where measurements are taken should be considered with the peer reviewer, because there are a number of sources of radio waves within a home and he would want to ensure that the measurements are not skewed in some way.

Noting that Condition g. discusses collocation of no more than three carriers, Vice Mayor Driscoll asked whether federal law doesn't require a fourth carrier be added if a fourth carrier applies. Ms. Sloan said no, that the federal law would require going through essentially the same analysis under those circumstances. But because these quasi-judicial decisions are very fact-specific, the analysis might have a different result depending on the situation. For instance, she said that an additional carrier might be accommodated at a different location on the Cal Water property, a new technology might come into play, or the coverage needs might differ. Furthermore, Cal Water may opt against accommodating an additional carrier, and federal law does not require a property owner to lease land to a cellular company.

Mr. Vlastic clarified, noting that Condition g. calls for an agreement with the property owner that it would accommodate a maximum of three carriers on the site. The purpose of this agreement is to limit exposure at the site through the property owner, although it is always possible that the property owner could request an amendment to the CUP to change that.

Councilmember Derwin asked if the neighbors would be kept in the loop regarding the landscape plan and the decision on whether the ASCC decides on a tower or a monopine. Mr. Vlastic indicated that all of the actions before the ASCC will be fully noticed.

With no further discussion, Mayor Toben called the vote, and the motion carried 4-0. Accordingly, the Council decision will be finalized by resolution at the Town Council meeting of October 27, 2010. The resolution will 1) provide for CUP approval due to the overriding TCA mandates imposed on the Town and 2) include conditions set forth in the staff report and additional conditions directing that the ASCC make final decisions for landscaping and exact location for the antenna within the site, as described by the Town Planner, and regular monitoring of RF emission levels for neighbors.

Mayor Toben acknowledged that the outcome is not a happy one for many people in the audience, and said the issue has caused the Council no small anguish arriving at its decision. He expressed gratitude for their engagement in the process, as well as the hope that they will participate in finding a way to do some planning that will avert the necessity for a similar proceeding in the future.

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

- (6) Report from Councilmember Derwin – Sustainability Leadership Award / ICLEI Conference [10:07 p.m.]

Observing that this is a "nice piece of business for us," Mayor Toben said that Councilmember Derwin attended the September 24-26, 2010 Local Action Summit of ICLEI – Local Governments for Sustainability (International Council for Local Environmental Initiatives) in Washington, DC to accept the 2010 Sustainability Leadership Award for the Town Center.

Councilmember Derwin said that the ICLEI Local Action Summit included 26 panel discussions, 18 networking sessions and four skills trainings. She said that her favorite session was a PACE and Community Energy Financing workshop – which offered little encouragement about what is happening with PACE. One of the panelists was Francisco DeVries, former Chief of Staff to Berkeley's mayor and the architect of Berkeley's solar financing program. Councilmember Derwin said she also attended a

session with many people who are implementing sustainability programs successfully, and mentioned a sustainability coordinator from Colombia SC who has reframed the whole message because in that area "climate change" and "global warming" are considered dirty words. For example, their used cooking oil program is called "Southern Fried Fuels." She also spoke of a Public Works Director in Loveland CO, from whom she learned that the American Public Works Association also has a sustainability arm. She suggested that it might be something to discuss with Portola Valley Public Works Director Howard Young.

More than 250 individuals participated, many of them young and most of them staff members of local governments, sharing innovations and best practices. Participants also included representatives of nonprofit organizations, elected officials, sustainability experts and consultants, people from academia and the private sector.

The award Portola Valley received is constructed from aluminum flashing from a Washington construction site and wood from a tree salvage project in Atlanta. It was made by TWOvital, which uses scavenged materials to make sustainable sculpture. TWOvital has found a niche, Councilmember Derwin noted, because projects receive a LEED point for using one of their sculptures.

There were three categories of communities (small, medium and large) and three types of awards. The Portola Valley award was presented for Outreach Innovation in the Small Community category; the winner in the Medium Community was Hamilton Township, NJ and the Large Community was the District of Columbia. Other categories were Energy Efficiency Implementation Innovation (with Aspen CO, Bellingham WA and Austin TX the winners) and Planning Innovation (Keene NH, Burlington VT and the Southeast Florida Regional Climate Compact).

In addition to the community awards, Councilmember Derwin reported that two awards were given to individuals, one for Sustainability in Leadership by an Elected Official (to Chula Vista CA Councilmember Pamela Bensoussan) and another to a local government staff member (Anne Hunt, Environmental Advisor for the Mayor of St. Paul, MN).

Energy Upgrade California, which we've referred to as our county program in our Greenup, was touted as a model for the country, Councilmember Derwin said, adding that Mr. DeVries is also involved in that. She told the Town Council that she also brought that information back to Portola Valley's Sustainability Committee. She said that in fact she came back very encouraged and with lists of action items and names, and looks forward to going again.

All in all, it was a much bigger occasion than she had anticipated, and Councilmember Derwin said, "I'm glad we went, and I think it's pretty prestigious." She does not know who made the nomination.

Vice Mayor Driscoll suggested that Mr. Vlasic see what the ASCC thinks of using some sustainable structure such as the TWOvital organization creates for the T-Mobile facility.

(7) Reports from Commission and Committee Liaisons [10:17 p.m.]

(a) Trails and Paths Committee

Vice Mayor Driscoll reported that the Trails and Paths Committee discussed the process of recruiting and interviewing applicants for membership on the Committee. They had questions about the Town Manager, as an employee, participating in the process. As of 5 p.m. on Monday, September 11, they had 13 applicants. As one possibility, they talked about conducting a series of consecutive 15-minute interviews for all 13 applicants, starting at 4 p.m., plus intervening time for questions and discussion. They also are considering other approaches. As for reaching a consensus on each candidate, they figured they would spend many more hours to do that. Vice Mayor Driscoll told the Trails and Paths Committee that he and Mayor Driscoll would be happy to receive recommendations from each individual member to save them that time. At one point, Vice Mayor Driscoll said someone brought up the idea of combining the Traffic Committee with the Trails and Paths Committee.

(b) (ASCC) Architectural and Site Control Commission

Councilmember Derwin said that there have been two ASCC meetings (September 27 and October 11, 2010) at which there was continued discussion of the Dhillon project, continued consideration of demolition permit requests for two residences on Alpine Road, an architectural review of a second-story addition on Cherokee Way, and approval of demolition of the little red cottage east of Roberts.

(c) Sustainability Committee

Councilmember Derwin said that the Sustainability Committee, which met on September 12, 2010, has decided to work in three subgroups: Focus Group, Smart Strip and Trip Advisor. She also said that the Water-Efficient Landscaping talk, featuring Planning Commissioner Alexandra Von Feldt and landscape architect Bob Cleaver, is coming up on October 28, 2010.

(d) Ad-hoc Spring Down Master Plan Committee

Councilmember Wengert said that the Ad-hoc Spring Down Master Plan Committee reviewed the hydrology report. The report confirmed that the pond water is dead and, supports no life. To the extent possible, the consensus seemed to be to bring the water level down as much as possible now, and over time return it to its more native state as resources become available. The Master Plan as it is conceived now, Councilmember Wengert explained, includes a perimeter trail and modified restoration of the pond.

(e) Community Events Committee

Councilmember Wengert reported that the Community Events Committee – "it's small but it's mighty" – is working on the Winter Holiday Volunteer Appreciation Party, with Committee member Al Minor the main organizer. The Community Events Committee has also discussed ways to expand its membership, with one request that the Town Council help steer volunteers in that direction.

Mayor Toben said that he has put forth the suggestion that Rebecca Flynn be identified as Volunteer of the Year.

WRITTEN COMMUNICATIONS [10:33 p.m.]

(8) Town Council 9/24/2010 Weekly Digest

- (a) #1 – Memorandum to Council from Janet McDougall regarding Availability of Grant Funds to Acquire Automated External Defibrillators (AEDs) – September 23, 2010

Assistant Town Manager Janet McDougall confirmed that a grant application will be submitted to Sequoia Healthcare District. She said that the entire staff has been trained on how to use them.

(9) Town Council 10/1/2010 Weekly Digest – None

(10) Town Council 10/8/2010 Weekly Digest – None

ADJOURNMENT: [10:34 p.m.]

Mayor

Town Clerk

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

A T & T	September Statements	11276	10/27/2010	
			10/27/2010	
P.O. BOX 78522	0275		10/27/2010	
PHOENIX	BOA	44025	10/27/2010	0.00
AZ 85062-8522				258.43

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4318	Telephones	258.43	0.00

Check No.	44025	Total:	258.43
Total for	A T & T		258.43

ALPINE MOTORS INC	Battery for Kubota	11293	10/27/2010	
			10/27/2010	
115 PORTOLA ROAD	422		10/27/2010	
PORTOLA VALLEY	BOA	44026	10/27/2010	0.00
CA 94028	34426			128.86

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4334	Vehicle Maintenance	128.86	0.00

ALPINE MOTORS INC	Battery for John Deere	11294	10/27/2010	
			10/27/2010	
115 PORTOLA ROAD	422		10/27/2010	
PORTOLA VALLEY	BOA	44026	10/27/2010	0.00
CA 94028	34454			71.01

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4334	Vehicle Maintenance	71.01	0.00

Check No.	44026	Total:	199.87
Total for	ALPINE MOTORS INC		199.87

AMERICAN EAGLE ROOFING	Refund C&D Deposit	11275	10/27/2010	
			10/27/2010	
28 E. 25TH AVENUE	2011		10/27/2010	
SAN MATEO	BOA	44027	10/27/2010	0.00
CA 94403				1,000.00

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

Check No.	44027	Total:	1,000.00
Total for	AMERICAN EAGLE ROOFING		1,000.00

BAY 101 ROOFING	C&D Deposit Refund	11295	10/27/2010	
	286 Willowbrook		10/27/2010	
P.O. BOX 925	593		10/27/2010	
ALVISO	BOA	44028	10/27/2010	0.00
CA 95002				1,000.00

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

Check No.	44028	Total:	1,000.00
Total for	BAY 101 ROOFING		1,000.00

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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

BAYMARK BUSINESS PARTNERS	Building Permit Forms	11296	10/27/2010	
		5895	10/27/2010	
453 RAVENDALE DRIVE	881		10/27/2010	
MOUNTAIN VIEW	BOA	44029	10/27/2010	0.00
CA 94043	1101246			1,325.99

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4308	Office Supplies	1,325.99	0.00

Check No.	44029	Total:	1,325.99
Total for	BAYMARK BUSINESS PARTNERS		1,325.99

BRAD BELDNER	Fall Instructor Fee	11297	10/27/2010	
			10/27/2010	
425 STANFORD AVENUE	581		10/27/2010	
PALO ALTO	BOA	44030	10/27/2010	0.00
CA 94306				952.20

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4246	Instructors & Class Refunds	952.20	0.00

Check No.	44030	Total:	952.20
Total for	BRAD BELDNER		952.20

BILL HAMILTON ROOFING	C&D Refund, 225 Golden Oak	11298	10/27/2010	
			10/27/2010	
740 CAMDEN AVENUE	604		10/27/2010	
CAMPBELL	BOA	44031	10/27/2010	0.00
CA 95008				1,000.00

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

Check No.	44031	Total:	1,000.00
Total for	BILL HAMILTON ROOFING		1,000.00

MARLON BISHOP	Fall Instructor Fee	11299	10/27/2010	
			10/27/2010	
48 CLINTON STREET	2035		10/27/2010	
REDWOOD CITY	BOA	44032	10/27/2010	0.00
CA 94062				1,141.00

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4246	Instructors & Class Refunds	1,141.00	0.00

Check No.	44032	Total:	1,141.00
Total for	MARLON BISHOP		1,141.00

BOB-WIRE ELECTRIC	Bollard Lighting, TC Lighting	11315	10/27/2010	
			10/27/2010	
PO BOX 808	0024		10/27/2010	
REDWOOD CITY	BOA	44033	10/27/2010	0.00
CA 94064	12905-1			6,807.50

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

05-68-4412	CIP10/11 TC Lighting	6,807.50	0.00	
		<u>Check No. 44033</u>	<u>Total: 6,807.50</u>	
		<u>Total for BOB-WIRE ELECTRIC</u>		<u>6,807.50</u>

CHRISUM ELECTRIC	Refund Business License Fee	11277	10/27/2010	
42726 APPLEWOOD STREET	1064		10/27/2010	
FREMONT	BOA	44034	10/27/2010	0.00
CA 94538				100.00

GL Number	Description	Invoice Amount	Amount Relieved	
05-56-4228	Miscellaneous Refunds	100.00	0.00	
		<u>Check No. 44034</u>	<u>Total: 100.00</u>	
		<u>Total for CHRISUM ELECTRIC</u>		<u>100.00</u>

CITY OF REDWOOD CITY	IT Services, September	11278	10/27/2010	
P.O. BOX 3629	586		10/27/2010	
REDWOOD CITY	BOA	44035	10/27/2010	0.00
CA 94064-3629	BR24976			1,799.50

GL Number	Description	Invoice Amount	Amount Relieved	
05-54-4216	IT & Website Consultants	1,799.50	0.00	
		<u>Check No. 44035</u>	<u>Total: 1,799.50</u>	
		<u>Total for CITY OF REDWOOD CITY</u>		<u>1,799.50</u>

COAST LANDSCAPE MGMT, INC	Irrigation Repairs	11279	10/27/2010	
1474 BERGER DRIVE	949		10/27/2010	
SAN JOSE	BOA	44036	10/27/2010	0.00
CA 95112	381614			647.50

GL Number	Description	Invoice Amount	Amount Relieved	
05-58-4240	Parks & Fields Maintenance	455.00	0.00	
05-66-4348	Repairs/Vandalism	192.50	0.00	
		<u>Check No. 44036</u>	<u>Total: 647.50</u>	
		<u>Total for COAST LANDSCAPE MGMT, INC</u>		<u>647.50</u>

COTTON SHIRES & ASSOC. INC.	Geo & Movement Maps	11312	10/27/2010	
330 VILLAGE LANE	PC/Council Meeting Attendance	5897	10/27/2010	
LOS GATOS	0047		10/27/2010	
CA 95030-7218	BOA	44037	10/27/2010	0.00
	103752			2,964.00

GL Number	Description	Invoice Amount	Amount Relieved	
05-54-4189	Town Geologist	2,964.00	0.00	
		<u>Check No. 44037</u>	<u>Total: 2,964.00</u>	
		<u>Total for COTTON SHIRES & ASSOC. INC.</u>		<u>2,964.00</u>

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State/Province Zip/Postal	Invoice Number			Check Amount

COUNTY OF SAN MATEO (LAFCO)	2010-2011 LAFCO Apportionment	11280	10/27/2010	
			10/27/2010	
555 COUNTY CENTER, 4TH FLOOR	861		10/27/2010	
REDWOOD CITY	BOA	44038	10/27/2010	0.00
CA 94063				1,179.00

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4322	Dues	1,179.00	0.00

Check No.	44038	Total:	1,179.00
Total for	COUNTY OF SAN MATEO (LAFCO)		1,179.00

FRANCOTYP-POSTALIA, INC.	Meter Rental, 10/9 - 1/8	11300	10/27/2010	
			10/27/2010	
PO BOX 4272	0172		10/27/2010	
CAROL STREAM	BOA	44039	10/27/2010	0.00
IL 60197-4272	R1100319841			88.49

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4314	Equipment Services Contracts	88.49	0.00

Check No.	44039	Total:	88.49
Total for	FRANCOTYP-POSTALIA, INC.		88.49

JEANNIE GOLDMAN	Fall Instructor Fee	11301	10/27/2010	
			10/27/2010	
741 MANZANITA ROAD	706		10/27/2010	
WOODSIDE	BOA	44040	10/27/2010	0.00
CA 94062				13,997.00

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4246	Instructors & Class Refunds	13,997.00	0.00

Check No.	44040	Total:	13,997.00
Total for	JEANNIE GOLDMAN		13,997.00

GRAGG PAVING	Road & Drainage Repairs	11316	10/27/2010	
	Shawnee/Shoshone		10/27/2010	
P.O. BOX 5246	730		10/27/2010	
REDWOOD CITY	BOA	44041	10/27/2010	0.00
CA 94063	2022			7,800.00

GL Number	Description	Invoice Amount	Amount Relieved
20-60-4260	Public Road Surface & Drainage	2,400.00	0.00
20-68-4413	CIP Storm Drain Project	5,400.00	0.00

Check No.	44041	Total:	7,800.00
Total for	GRAGG PAVING		7,800.00

HIGHWAY TECHNOLOGIES, INC	Signage, SR2S	11314	10/27/2010	
			10/27/2010	
P.O. BOX 51581	0067		10/27/2010	
LOS ANGELES	BOA	44042	10/27/2010	0.00
CA 90051-5881	65065460-001			426.10

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

20-60-4268	Street Signs & Striping	426.10	0.00	
		Check No. 44042	Total:	426.10
		Total for	HIGHWAY TECHNOLOGIES, INC	426.10

IZMIRIAN ROOFING	Refund C&D Deposit	11281	10/27/2010	
229 S. RAILROAD AVE	768		10/27/2010	
SAN MATEO	BOA	44043	10/27/2010	0.00
CA 94401				1,000.00

GL Number	Description	Invoice Amount	Amount Relieved	
96-54-4205	C&D Deposit	1,000.00	0.00	
		Check No. 44043	Total:	1,000.00
		Total for	IZMIRIAN ROOFING	1,000.00

J.W. ENTERPRISES	Temp Lavs 10/7 - 11/3	11283	10/27/2010	
1689 MORSE AVE	829		10/27/2010	
VENTURA	BOA	44044	10/27/2010	0.00
CA 93003	152049			219.48

GL Number	Description	Invoice Amount	Amount Relieved	
05-58-4244	Portable Lavatories	219.48	0.00	
		Check No. 44044	Total:	219.48
		Total for	J.W. ENTERPRISES	219.48

JORGENSON SIEGEL MCCLURE & FLEGEL	September Statement	11302	10/27/2010	
1100 ALMA STREET	0089		10/27/2010	
MENLO PARK	BOA	44045	10/27/2010	0.00
CA 94025				12,540.50

GL Number	Description	Invoice Amount	Amount Relieved	
05-54-4182	Town Attorney	2,838.00	0.00	
96-54-4186	Attorney - Charges to Appls	9,702.50	0.00	
		Check No. 44045	Total:	12,540.50
		Total for	JORGENSON SIEGEL MCCLURE &	12,540.50

KUTZMANN & ASSOCIATES	Plan Check, September 2010	11284	10/27/2010	
39355 CALIFORNIA STREET	0090		10/27/2010	
FREMONT	BOA	44046	10/27/2010	0.00
CA 94538				20,104.66

GL Number	Description	Invoice Amount	Amount Relieved	
05-54-4200	Plan Check Services	20,104.66	0.00	
		Check No. 44046	Total:	20,104.66
		Total for	KUTZMANN & ASSOCIATES	20,104.66

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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

DAVID LAMAR	Community Hall Deposit Refund	11303	10/27/2010	
			10/27/2010	
120 SUNRISE DRIVE	684		10/27/2010	
WOODSIDE	BOA	44047	10/27/2010	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.	44047	Total:	250.00
Total for	DAVID LAMAR		250.00

CORINNE MANSOURIAN	Fall Instructor Fees	11285	10/27/2010	
			10/27/2010	
492 NINTH AVENUE	2027		10/27/2010	
MENLO PARK	BOA	44048	10/27/2010	0.00
CA 94025				1,025.00

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4246	Instructors & Class Refunds	1,025.00	0.00

Check No.	44048	Total:	1,025.00
Total for	CORINNE MANSOURIAN		1,025.00

MAZE & ASSOCIATES	Audit Progress Payment	11305	10/27/2010	
			10/27/2010	
3478 BUSKIRK AVENUE	879		10/27/2010	
PLEASANT HILL	BOA	44049	10/27/2010	0.00
CA 94523	25307			467.50

GL Number	Description	Invoice Amount	Amount Relieved
05-54-4180	Accounting & Auditing	467.50	0.00

Check No.	44049	Total:	467.50
Total for	MAZE & ASSOCIATES		467.50

PATTY MCLUCAS	Fall Instructor Fee	11304	10/27/2010	
			10/27/2010	
143 LOS TRANCOS CIRCLE	690		10/27/2010	
PORTOLA VALLEY	BOA	44050	10/27/2010	0.00
CA 94028				480.00

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4246	Instructors & Class Refunds	480.00	0.00

Check No.	44050	Total:	480.00
Total for	PATTY MCLUCAS		480.00

J. CRYSTAL MELIN	Deposit Refund, Community Hall	11286	10/27/2010	
			10/27/2010	
734 VINE STREET	1078		10/27/2010	
SAN JOSE	BOA	44051	10/27/2010	0.00
CA 95110				500.00

GL Number	Description	Invoice Amount	Amount Relieved
05-56-4226	Facility Deposit Refunds	500.00	0.00

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

Check No.	44051	Total:	500.00
Total for	J. CRYSTAL MELIN		500.00

MID-PENINSULA TUTORING NETWORK	Community Hall Deposit Refund	11306	10/27/2010	
1030 OAKLAND AVENUE	617		10/27/2010	
MENLO PARK	BOA	44052	10/27/2010	0.00
CA 94025				250.00

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

Check No.	44052	Total:	250.00
Total for	MID-PENINSULA TUTORING NETV		250.00

NEXTEL COMMUNICATIONS	September Field Cellular	11287	10/27/2010	
P.O. BOX 4181	0200		10/27/2010	
CAROL STREAM	BOA	44053	10/27/2010	0.00
IL 60197-4181				151.77

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4318	Telephones	151.77	0.00

Check No.	44053	Total:	151.77
Total for	NEXTEL COMMUNICATIONS		151.77

PENINSULA DIGITAL IMAGING	Blueprints	11288	10/27/2010	
599 FAIRCHILD DRIVE	0135		10/27/2010	
MOUNTAIN VIEW	BOA	44054	10/27/2010	0.00
CA 94043	198386			66.53

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4308	Office Supplies	66.53	0.00

Check No.	44054	Total:	66.53
Total for	PENINSULA DIGITAL IMAGING		66.53

PERS HEALTH	November Health Premium	11307	10/27/2010	
VIA EFT	0108		10/27/2010	
	BOA	44055	10/27/2010	0.00
				13,590.37

GL Number	Description	Invoice Amount	Amount Relieved
05-50-4086	Health Insurance Medical	13,590.37	0.00

Check No.	44055	Total:	13,590.37
Total for	PERS HEALTH		13,590.37

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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

JEFF POLLOCK	Litter Deposit Refund	11308	10/27/2010	
			10/27/2010	
150 PORTOLA ROAD	637		10/27/2010	
PORTOLA VALLEY	BOA	44056	10/27/2010	0.00
CA 94028				100.00

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

Check No.	44056	Total:	100.00
Total for	JEFF POLLOCK		100.00

QUALITY STRIPING INC	Misc Restriping	11318	10/27/2010	
			10/27/2010	
3364 MARISMA ST	0247		10/27/2010	
SAN MATEO	BOA	44057	10/27/2010	0.00
CA 94403	7642			9,565.80

GL Number	Description	Invoice Amount	Amount Relieved
20-60-4268	Street Signs & Striping	9,565.80	0.00

Check No.	44057	Total:	9,565.80
Total for	QUALITY STRIPING INC		9,565.80

SAN MATEO CO INF SERVICES	Sept M/W Channel	11282	10/27/2010	
			10/27/2010	
455 COUNTY CENTER, 3RD FLOOR	0307		10/27/2010	
REDWOOD CITY	BOA	44058	10/27/2010	0.00
CA 94063				76.00

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

Check No.	44058	Total:	76.00
Total for	SAN MATEO CO INF SERVICES		76.00

STAPLES	September Statement	11309	10/27/2010	
			10/27/2010	
STAPLES CREDIT PLAN	430		10/27/2010	
DES MOINES	BOA	44059	10/27/2010	0.00
IA 50368-9020				1,243.81

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4308	Office Supplies	1,243.81	0.00

Check No.	44059	Total:	1,243.81
Total for	STAPLES		1,243.81

SHELLY SWEENEY	Fall Instructor Fee	11310	10/27/2010	
			10/27/2010	
285 GRANDVIEW DRIVE	407		10/27/2010	
WOODSIDE	BOA	44060	10/27/2010	0.00
CA 94062				3,888.00

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4246	Instructors & Class Refunds	3,888.00	0.00

INVOICE APPROVAL LIST REPORT - DETAIL WITH GL DIST
OCTOBER 27, 2010

Date: 10/20/2010
Time: 10:54 am
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TOWN OF PORTOLA VALLEY

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

Check No.	44060	Total:	3,888.00
Total for	SHELLY SWEENEY		3,888.00

JOANN THOMPSON	Community Hall Deposit Refund	11311	10/27/2010	
715 DEL CENTRO WAY	627		10/27/2010	
LOS ALTOS	BOA	44061	10/27/2010	0.00
CA 94024				500.00

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4246	Instructors & Class Refunds	500.00	0.00

Check No.	44061	Total:	500.00
Total for	JOANN THOMPSON		500.00

TOWNSEND MGMT, INC	Applicant Charges	11289	10/27/2010	
P.O. BOX 24442	609		10/27/2010	
SAN FRANCISCO	BOA	44062	10/27/2010	0.00
CA 94124				1,520.00

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4194	Engineer - Charges to Appls	1,520.00	0.00

Check No.	44062	Total:	1,520.00
Total for	TOWNSEND MGMT, INC		1,520.00

TREE SPECIALIST	Clear Trail for SR2S (Safe Routes to School)	11313	10/27/2010	
1198 NEVADA AVE	839		10/27/2010	
SAN JOSE	BOA	44063	10/27/2010	0.00
CA 95125				4,200.00

GL Number	Description	Invoice Amount	Amount Relieved
20-60-4270	Trail Surface Rehabilitation	4,200.00	0.00

Check No.	44063	Total:	4,200.00
Total for	TREE SPECIALIST		4,200.00

YVONNE TRYCE	Fall 2010 Instructor Dues	11290	10/27/2010	
90 JOAQUIN ROAD	512		10/27/2010	
PORTOLA VALLEY	BOA	44064	10/27/2010	0.00
CA 94028				670.00

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4246	Instructors & Class Refunds	670.00	0.00

Check No.	44064	Total:	670.00
Total for	YVONNE TRYCE		670.00

INVOICE APPROVAL LIST REPORT - DETAIL WITH GL DIST
OCTOBER 27, 2010

Date: 10/20/2010
Time: 10:54 am
Page: 10

TOWN OF PORTOLA VALLEY

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

WOLFPACK INSURANCE	November Statement	11291	10/27/2010	
			10/27/2010	
SMALL BUSINESS BENEFIT PLAN	0132		10/27/2010	
BELMONT	BOA	44065	10/27/2010	0.00
CA 94402				2,256.20

GL Number	Description	Invoice Amount	Amount Relieved
05-50-4090	Health Ins Dental & Vision	2,256.20	0.00

Check No.	44065	Total:	2,256.20
Total for	WOLFPACK INSURANCE		2,256.20

ELIZABETH WRIGHT	Fall 2010 Instructor Dues	11292	10/27/2010	
			10/27/2010	
147 HEDGE ROAD	620		10/27/2010	
MENLO PARK	BOA	44066	10/27/2010	0.00
CA 94025				1,555.20

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4246	Instructors & Class Refunds	1,555.20	0.00

Check No.	44066	Total:	1,555.20
Total for	ELIZABETH WRIGHT		1,555.20

Total Invoices: 43

Grand Total:	118,907.40
Less Credit Memos:	0.00
Net Total:	118,907.40
Less Hand Check Total:	0.00
Outstanding Invoice Total:	118,907.40

TOWN OF PORTOLA VALLEY
Warrant Disbursement Journal
October 27, 2010

Claims totaling \$118,907.40 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 _____

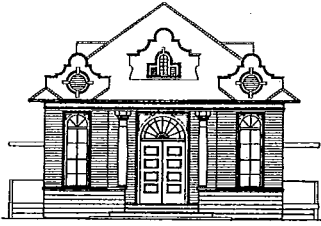
Angela Howard, Treasurer

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 Members of the Town Council

FROM: Sharon Hanlon, Town Clerk

DATE: October 22, 2010

RE: Adoption of Amended Sections of and Adding a Section to Title 18 [Zoning] of the Portola Valley Municipal Code

At its September 22, 2010 meeting, the Town Council considered and voted to approve Amendments and Addition to Title 18 [Zoning] related to Geologic Matters.

This matter has come before the Council for second reading of the ordinance title, waiving further reading and adoption of the ordinance. If approved, the ordinance shall become effective thirty (30) days after the date of adoption and posting.

Recommendation

It is recommended that the Town Council adopt the attached ordinance amending sections of and adding section to Title 18 [Zoning] of the Portola Valley Municipal Code related to Geologic matters.

Approved: Angela Howard
Angela Howard, Town Manager

ORDINANCE NO. 2010- _____

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

WHEREAS, the Town of Portola Valley has reviewed and implemented revised geologic maps; and

WHEREAS, provisions of Title 18 [Zoning] of the Portola Valley Municipal Code need to be updated to make them consistent with the revised geologic maps.

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

1. AMENDMENT OF CODE. Subsection D of Section 18.46.030 [Replacement of involuntarily damaged or destroyed nonconforming structure or structure occupied by a nonconforming use] of Chapter 18.46 [Nonconforming Structures and Uses] of Title 18 [Zoning] of the Portola Valley Municipal Code is hereby amended to read as follows:

D. Unless otherwise stated, this provision does not apply to buildings addressed in Section 18.46.050 or 18.46.051.

2. AMENDMENT OF CODE. Section 18.46.040 [Voluntary demolition of nonconforming structure or any portion thereof] of Chapter 18.46 [Nonconforming Structures and Uses] of Title 18 [Zoning] of the Portola Valley Municipal Code is hereby amended to read as follows:

18.46.040 Voluntary demolition of nonconforming structure or any portion thereof. When a nonconforming structure or any portion thereof is voluntarily demolished and the reconstruction meets or exceeds 50% of the structure's current appraised value, such structure shall adhere to all current requirements of the zoning regulations. If demolished less than 50% of the current appraised value, the provisions of Section 18.46.030 A. govern as if it were involuntarily damaged. Notwithstanding the foregoing sentence, a building for human occupancy within an earthquake fault setback is governed by Section 18.46.051 A-D.

3. AMENDMENT OF CODE. Section 18.46.050 [Repair, reconstruction or replacement of involuntarily damaged buildings in earthquake fault setbacks] of Chapter 18.46 [Nonconforming Structures and Uses] of Title 18 [Zoning] of the Portola Valley Municipal Code is hereby amended to read as follows:

18.46.050 Repair, reconstruction or replacement of involuntarily damaged buildings in earthquake fault setbacks. A building for human occupancy that does not conform to special building setback lines -EF (earthquake fault) and is damaged by any cause, including but not limited to earthquake, fire or flood, and the damage meets or exceeds 50% of the structure's current appraised value as defined by Section 18.46.030 at the time of damage; if rebuilt, shall conform to the following provisions of this Section. If damaged less than 50% of the current appraised value of the structure, the provisions of Section 18.46.051 govern.

4. ADDITION OF CODE. Section 18.46.051 [Voluntary repair, alteration and remodeling of buildings in earthquake fault setbacks] of Chapter 18.46 [Nonconforming Structures and Uses] of Title 18 [Zoning] of the Portola Valley Municipal Code is hereby added to read as follows:

18.46.051 Voluntary repair, alteration and remodeling of buildings in earthquake fault setbacks. The following provisions relate to buildings for human occupancy in existence prior to the effective date of this provision (October ____, 2010) that do not conform to Special building setback lines – EF (earthquake fault) as provided for in Section 18.58.030.

A. All changes to buildings addressed in B-D below may not exceed the same height, floor area, building coverage, yard, special building setback other than for earthquake faults, and impervious surface limits that existed prior to change or damage except as otherwise permitted by C. below.

B. Buildings within fault setbacks that cross a fault trace may be repaired, altered and remodeled but not enlarged provided the costs, other than for seismic upgrades, do not exceed 50% of the appraised value of the building, and the construction work incorporates seismic strengthening as recommended by the building inspector and town geologist as being reasonably commensurate with the work subject to the building permit.

C. Buildings within fault setbacks that do not cross a fault trace may be repaired, altered, remodeled and enlarged by up to 400 square feet provided the costs, other than for seismic upgrades, do not exceed 50% of the appraised value of the building, and the construction work incorporates seismic strengthening as recommended by the building inspector and town geologist as being reasonably commensurate with the work subject to the building permit. Such increase in

floor area shall not cause the building to exceed the floor area limits of the zoning ordinance in effect at the time of the application.

D. Buildings that cross a fault setback may be repaired, altered and remodeled provided the costs, other than for seismic upgrades, do not exceed 50% of the appraised value of the building. Also, an addition outside of the setback is permitted provided the existing building and the addition consist of two buildings that are structurally independent or are of appropriate design so that fault movement under the building partially within the fault setback likely will not result in fault-caused damage to the addition as determined by the town geologist and building inspector. Changes to the building partially within the setback and the addition should conform to building code standards in effect at the time of the building permit application, and construction work shall incorporate seismic strengthening as recommended by the building inspector and town geologist as being reasonably commensurate with the work subject to the building permit. An addition outside the fault setback shall not cause the existing building and addition to cumulatively exceed the floor area limits in effect at the time of the application.

5. AMENDMENT OF CODE. Item 3 under Table 1A Computation of Adjusted Maximum Floor Area of Section 18.48.010 [Basic Requirements] of Chapter 18.48 [Parcel Area, Open Space and Bulk—Basic Requirements] of Title 18 [Zoning] of the Portola Valley Municipal Code is hereby amended to read as follows:

3. Enter 50% of any area on a parcel classified as Pmw, Ms, Pd, Pdf, Psc or Pf on the Town's Ground Movement Potential Map. (Total area classified as Pmw, Ms, Pd, Pdf, Md, Psc or Pf: _____ sf.)

6. AMENDMENT OF CODE. Item 3 under Table 1B Computation of Adjusted Maximum Impervious Surface of Section 18.48.010 [Basic Requirements] of Chapter 18.48 [Parcel Area, Open Space and Bulk—Basic Requirements] of Title 18 [Zoning] of the Portola Valley Municipal Code is hereby amended to read as follows:

3. Enter 50% of any area on a parcel classified as Pmw, Ms, Pd, Pdf, Psc or Pf on the Town's Ground Movement Potential Map. (Total area classified as Pmw, Ms, Pd, Pdf, Md, Psc or Pf: _____ sf.)

7. AMENDMENT OF CODE. Section 18.50.060 [Planned unit developments—Areas of land movement potential] of Chapter 18.50 [Parcel Area] of Title 18 [Zoning] of the Portola Valley Municipal Code is hereby amended to read as follows:

18.50.060 Planned unit developments – Areas of land movement potential.
Where a planned unit development includes area in categories Pmw, Ms, Pd,

Pdf, Md, Psc or Pf as shown on the Ground Movement Potential Map of Portola Valley adopted by council Resolution ___ - 2010 and as thereafter amended, the maximum number of parcels permitted shall be determined by either of the two following procedures at the option of the applicant:

8. AMENDMENT OF CODE. Section 18.58.030 [Special Building Setbacks along Earthquake Faults] of Chapter 18.58 [Special Building Setback Lines] of Title 18 [Zoning] of the Portola Valley Municipal Code is hereby amended to read as follows:

18.58.030 Special building setbacks along earthquake faults.

A. Purpose. Special building setbacks are established along earthquake fault traces to minimize the potential loss of property and life resulting from differential movement along such traces caused by tectonic forces.

B. Maps. The town Geologic Map and Ground Movement Potential Map, adopted by Resolution 2279-2006, as amended from time to time, provides the basis for required fault setbacks. Two types of setbacks are established. One type is for setbacks along the San Andreas Fault. The other type is for setbacks from Fault (other than the San Andreas).

C. Setbacks from the San Andreas Fault. The town Ground Movement Potential Map establishes required building setbacks along the active traces of the San Andreas Fault. The San Andreas Fault is a known hazard for development and it is prudent to preclude construction of buildings for human occupancy within these zones.

1. Delineation of Earthquake Fault Zones. Earthquake fault zones define the areas along faults in which primary fault rupture may occur. The map, Ground Movement Potential adopted pursuant to Town Council Resolution 2279-2006, as amended, defines the boundaries of the fault zones and labels them Pf. Where the location of the fault is known and the pattern of ground breakage is parallel to the direction of the trace, the trace is classified as a "known" trace and shown in a solid line. Where the location of the trace is less well known and the pattern of expected ground breakage is parallel to the direction of the trace, the trace is classified as an "inferred" trace and is shown in a dashed line. Where the pattern of ground breakage results in an en-echelon pattern, the trace is identified on the map as an "en-echelon" trace and shown as a series of short lines at an angle to the general alignment of the trace. An "en-echelon" trace consists of relatively short ruptures, on the order of 40 feet in length, oriented obliquely to the general fault trend.

2. Required Setbacks for Buildings for Human Occupancy. The boundaries of the Pf zones constitute the required building setback lines for buildings for human occupancy. Setbacks are based on the following measurements taken at a right angle from the fault trace. Where the location of the trace is "known", the boundary of the zone is set back from the trace 50 feet from the center line of the trace. Where the location of the trace is "inferred", the boundary of the zone is set back 100 feet from the center line of the trace. Where the trace is characterized as an "en-echelon" trace, the boundary of the zone is set back 100 feet from the center line of the trace.

3. Buildings not intended for Human Occupancy. The following buildings not intended for human occupancy are allowed within fault setbacks:

- a. Buildings that do not exceed 120 square feet and are used as a tool shed, an ornamental garden structure, an animal shade structure, an agricultural building or for a similar nature and use.
- b. Other non-habitable buildings not exceeding a floor area of 120 square feet, and are of a similar nature and use may be permitted by staff or by the planning commission upon referral by staff.

D. Setbacks from Faults (other than the San Andreas). The town Ground Movement Potential Map shows traces noted as "Fault (other than the San Andreas)." While the location and future movement of these faults is less certain than for the San Andreas Fault, it is still prudent to make certain that buildings for human occupancy do not cross such faults.

1. Construction of new buildings for human occupancy within 100 feet of such mapped fault traces shall be supported by a site-specific geologic investigation that demonstrates to the satisfaction of the Town Geologist that the structure is not underlain by the suspected fault. This investigation must include recommendations for specific geotechnical measures, including appropriate seismic design criteria and minimum setback requirements, to mitigate potential adverse impact from the mapped fault trace and the estimated potential for some degree of displacement along the fault trace alignment.

2. Construction of new buildings not for human occupancy shall comply with required front, side and rear setbacks.

E. Modification of Requirements. When geologic studies acceptable to the planning commission demonstrate that delineations of the San Andreas Fault setback zones or the location of Faults (other than the San Andreas) are

incorrect, the planning commission may approve modifications to the geologic map and/or the ground movement potential map.

9. ENVIRONMENTAL REVIEW. A Negative Declaration has been prepared for these proposed amendments and additions to the Zoning Ordinance.

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

11. EFFECTIVE DATE; POSTING. This Ordinance shall become effective thirty (30) days from the date of its passage, and shall be posted within the Town of Portola Valley in three (3) public places.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

ATTEST:

Town Clerk

By: _____
Mayor

APPROVED AS TO FORM:

Town Attorney



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Town Council

FROM: Tom Vlastic, Town Planner
Sandy Sloan, Town Attorney

DATE: October 21, 2010

RE: Resolution Confirming October 13, 2010 Town Council Action on T-Mobile West Corporation Appeal of Planning Commission Denial of an Application for Conditional Use Permit (CUP) X7D-170, for Installation of a Wireless Communication Antenna Facility, Golden Oak Drive at Peak Lane

Background and Proposed Action Resolution

On October 13, 2010, after conducting a noticed public hearing, the town council acted to grant the subject appeal and approve CUP X7D-170 for installation of new wireless communication facilities on the California Water Service property located at the intersection of Peak Lane and Golden Oak Drive. In completing its action, the council identified the basis for granting of the requests and also provided directions for refining the tentative list of conditions provided with the October 6, 2010 staff report on the appeal. As recommended in the staff report, the council continued final consideration of the appeal to the October 27, 2010 meeting so that the formal action resolution could be prepared as required by Section 18.76.120 of the zoning ordinance.

To support the October 13th actions, we have prepared the attached proposed resolution. The resolution sets forth the findings relative to the appeal and emphasizes the constraints of the unique decision making environment the town council faced on this matter. Exhibit A of the resolution contains the specific terms and conditions of the use permit.

In Exhibit A, we have made some changes to reflect the town council's concerns and action. The changes are highlighted in yellow. Most significantly, the changes direct that the ASCC will be responsible for identifying the final plan for monopine or slimline pole, including all aspects of design and siting. Staff has already had discussions with the applicant relative to this process and, as noted in the conditions, the process would be formally pursued at noticed meetings of the ASCC. Other changes include the requirements for radio frequency (RF) emissions monitoring as requested by the council (i.e., contained in condition 7).

Recommendation for Action

Based on the foregoing, it is recommended that the town council act to approve the attached proposed resolution to confirm the actions taken at the October 13, 2010 council meeting.

TCV/KK

Attach.

cc. Leslie Lambert, Planning Manager
Denise Gilbert, Planning Commission Chair
Greg Guerrazzi, ZON Architects, representative for the applicant
Angela Howard, Town Manager
ASCC

RESOLUTION NO. _____-2010

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PORTOLA VALLEY GRANTING T-MOBILE WEST, INC.'S
APPEAL AND APPROVING CONDITIONAL USE PERMIT X7D-
170 FOR A T-MOBILE WIRELESS COMMUNICATIONS
FACILITY**

WHEREAS, T-Mobile West, Inc. ("T-Mobile") applied for a Conditional Use Permit to install a wireless communications facility on a 1.3 acre site located at the corner of Peak Lane and Golden Oak Drive (Assessor's Parcel 079-092-35); and

WHEREAS, T-Mobile's application was complete on February 22, 2010; and

WHEREAS, the Portola Valley Architectural and Site Control Commission considered the application and provided recommendations at four noticed public meetings; and

WHEREAS, a proposed Mitigated Negative Declaration (MND) was prepared for the project in compliance with the California Environmental Quality Act, was released for public review for 20 days on April 1, 2010, and no public comments were received on the proposed MND; and

WHEREAS, the Town's Planning Commission denied the application after a duly noticed public hearing on July 7, 2010; and

WHEREAS, T-Mobile filed an appeal of that denial on August 5, 2010, and submitted additional information in support of its appeal on September 17, 2010; and

WHEREAS, the Town Council held a duly noticed special meeting at the proposed project site on October 12, 2010, to view conditions on the site and from surrounding properties; and

WHEREAS, the Town Council considered the appeal at a duly noticed public hearing at its regular meeting of October 13, 2010; and

WHEREAS, at the October 13, 2010 meeting, the Town Council considered the Conditional Use Permit application and all evidence (both written and oral) from town staff, town consultants, the applicant and members of the public; and

WHEREAS, Section 18.72.130 of the Portola Valley Municipal Code establishes eight findings which the decision-making body must make in order to issue a Conditional Use Permit; and

WHEREAS, the Town Council was unable to make Conditional Use Permit finding #2 because, based on evidence in the record, the use would not be reasonably compatible with land uses normally permitted in the surrounding area and would not insure the privacy and rural outlook of neighboring residences; and

WHEREAS, the Town Council was unable to make Conditional Use Permit finding #4 because, based on evidence in the record, the proposed wireless communications facility would adversely affect the abutting property; and

WHEREAS, the Town Council was unable to make Conditional Use Permit finding #6 because, based on evidence in the record, the proposed wireless communications facility would not be in harmony with the general purpose and intent of the Portola Valley General Plan and Zoning Ordinance; and

WHEREAS, the federal government passed the Telecommunications Act in order to promote competition among and reduce regulation of telecommunications providers (47 USCA Sec. 253 *et seq.*); and

WHEREAS, the Telecommunications Act preempts local regulation of wireless communication facilities; and

WHEREAS, the Telecommunications Act and court cases interpreting this Act indicate that local jurisdictions may not deny a permit for a wireless communications facility if the facility would fill a significant gap in service in the least intrusive way possible; and

WHEREAS, the October 6, 2010 staff reports from the town attorney and town planner identified seven factors that should be considered in determining whether a significant gap is present; and

WHEREAS, the Town Council found that a significant gap is present in T-Mobile's coverage because the area is not truly rural, lacks reliable cell coverage as indicated by an independent drive test conducted by the town's peer review firm, RCC Consultants, Inc., includes well-traveled roads, and the proposed wireless communications facility would improve public safety; and

WHEREAS, the Town Council found that a significant gap exists and the proposed facility would be the least intrusive means of filling the significant gap because no other feasible alternative would provide sufficient service within the gap area as confirmed by the town's peer review firm.

NOW, THEREFORE, be it **RESOLVED** that the Town Council:

1. Grants the appeal of T-Mobile; and
2. Issues Conditional Use Permit X7D-170 for T-Mobile's wireless communications facility subject to the terms and conditions set forth in Exhibit A of this Resolution.

PASSED AND ADOPTED at the regular meeting of the Town Council of the Town of Portola Valley on October 27, 2010.

By: _____
Mayor

Attest: _____
Town Clerk

EXHIBIT A.
TOWN COUNCIL RESOLUTION No. _____ - 2010
CONDITIONAL USE PERMIT X7D-170
T-MOBILE WEST. INC., APN : 079-092-350

OCTOBER 27, 2010

Conditional Use Permit X7D-170 is granted subject to the following terms and conditions:

1. This conditional use permit is issued to T-Mobile West Corporation, 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.
2. This permit is issued for installation of a wireless antenna facility generally as shown on the plan set dated July 2, 2010 and alternative plan set dated 2/2/10. The plans include monopine and slimline monopole options. The final plan selection shall be subject to review and approval by the town's Architectural and Site Control Commission subject to the criteria set forth in other conditions of this Exhibit, particularly condition 11. The final selection shall be to minimize the visual and aesthetic impacts of the installation to the maximum extent feasible.
3. T-Mobile or any future owner 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/pole facilities if less intrusive service alternatives are available as a condition of extending the life of the use permit.
4. If the wireless facilities are transferred to another owner, the town shall be notified as soon as possible after the transfer has been recorded.
5. 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 of the town attorney and shall be binding on all future owners of the property and wireless facilities. Further, the agreement shall provide for removal of the facilities at the end of the 10-year use permit life unless the permit has been extended by the planning commission as provided for in condition 3. Bonds or other sureties shall be provided to cover the guarantees called for in this condition to the satisfaction of town staff.

6. The maintenance agreement required pursuant to condition 5. 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.
7. 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 (RF) emission standards. The carrier shall submit, upon site commissioning, site modification affecting the radio frequency system, and annually thereafter, a radio frequency radiation emission test report based on field measurements taken at the site and the immediate surroundings, to demonstrate compliance with Federal Communications Commission (FCC) adopted standards. Such test shall be conducted using a calibrated frequency selective RF measurement device that can discern and measure the levels of RF emissions based on the specific band of operation. Monitoring locations shall be determined by town staff in consultation with the RF consultant and the neighbors. 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.
8. In the event the RF emissions tests required by the preceding condition indicate non-compliance with FCC adopted standards, the carrier shall immediately inform the town of the non-compliance and the steps needed to bring the facilities into compliance. The carrier shall commence corrective action as soon as town approval has been received and shall notify the town when compliance has been achieved. Unless compliance is achieved within 60 days of town approval, the town may take steps to revoke or modify the conditions of this permit.
9. 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.
10. 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.
11. 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.

12. Prior to issuance of any permits for the wireless facilities, the plans for the monopine and alternative slimline monopole alternative shall be evaluated by the ASCC and a final monopine or pole plan developed to the satisfaction of the ASCC. The final plan shall conform to the following criteria to the satisfaction of the ASCC. Further, any ASCC consideration of final plans for conformity with the criteria shall be at a noticed ASCC meeting.

a. If the “monopine” option is selected, the “tree” design shall be 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. 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.

b. If the slimline pole option is selected, the pole diameter shall be no larger than is needed to safely accommodate the facility and the pole shall be of a dark color to blend with the adjacent tree canopy. *(Note: during the hearing on this permit, the applicant's representative advised that the 36-inch diameter shown on the plans for the slimline pole was not necessary and that the pole diameter could be adjusted to be no more than approximately 22 to 24 inches.)*

c. The ASCC may allow the monopine or slimline monopole to be of sufficient height (i.e., up to approximately 70 feet) and design to accommodate collocation of three carriers, in order to minimize the number of potential future antennas at the site. The additional height, however, shall only be permitted if the ASCC finds it can be accommodated within acceptable aesthetic standards and that there is sufficient data to conclude three carries could actually locate on the single pole.

d. 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.

e. The monopine or slimline pole shall be located further to the southwest than the location identified on the alternative site plans and further away from the top of the slope along Peak Lane. The location shall be as close to the water tank as possible. Further, the ASCC may consider other siting adjustments to the final monopine/pole location in order to minimize visual impacts to the extent feasible within the limits needed to accommodate the wireless services.

f. 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.

g. 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) and in anticipation of possible loss of existing screen trees. The plan shall include provisions for planting that include all those necessary to ensure a favorable growing environment for new material and new planting. Further, provisions shall be made to guarantee landscape maintenance.

- h. 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.
13. Any emergency generators on the site shall be tested no more than necessary and only during weekday daylight hours.
14. 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.
15. The permit holder shall notify the town in writing of any work to be completed at the facility at least two weeks prior to the start of work. The written notification shall include the intended start and finish dates of the work, a description of the type of work, and contact information for a person who can provide additional information or answer questions. The carrier shall not make any system modifications that may affect the radio frequency radiation emissions without prior approval from the Town of Portola Valley. Carrier shall submit a radio frequency radiation emissions study reflecting any proposed changes to the site and consider the radio frequency (RF) emissions of all collocated entities. Work needed to bring the facility into compliance with FCC standards for RF emissions shall not require a two week notification period but shall commence as soon as the town has approved the work.
16. The Town Planner shall review any proposed changes to the facility. If the Town Planner finds the changes to be of a minor nature and consistent with the general provisions of this permit, he may approve them. If he finds the changes to be more significant, but not of a magnitude to require an amendment to the permit, he may refer them to the planning commission for review and approval. Such review is to ensure reasonable compliance with the terms of the permit and does not require a public hearing.

Proposal: document for Council Members for the October meeting
RE: Tile Placement Redirection

In an earlier discussion, the Town Council declined placing the historic tile boards on the buildings in the Town Center, but gave permission to hang them on the back of historic school house. Aesthetic and practical reasons compel us to request the consideration of a revised plan. We are excited about this new proposal and feel it is better alternative than any presented previously.

One tile board has been restored by with great care by a Portola Valley volunteer, the other will shortly be completed exactly the same way. The smallest one weighs about 150 pounds, the larger one may weigh more. Affixing three hundred pounds of tile boards to the Historic School House could create maintenance problems.

The School House is a historic treasure to the town; preserving it in its current state might best. If hung at that location, the shingles could:

- Be eroded, crushed, and weather differently
- make it difficult to repair
- be a challenge to hang securely
- be a hazard if the boards fell or became unsecured.
- The boards would also be isolated from, not interactive with, the viewer.

The tiles boards are largely vertical. It is our feeling they should be the focus for the viewer, not the vertical and horizontal lines of the shingles. The school house location is visually complicated by the ramp which has railings on the diagonal. The result is a confusion of lines pulling the eye in multiple directions. The Tile Boards are best presented with simplicity; a quieter visual location is preferred.

We propose the Tile Boards be free standing, located in a small unlandscaped area beside the children's play area. For your reference a photograph of the area is enclosed. It is beside the path, sheltered by the redwoods, a few feet away from the school house and within view of the bathroom where the other tile board is installed. This location would create a historic visual composition for the viewer. It would also allow close viewing and tactile ability.

We have included drawings of the proposed structure; the design mimics the one currently used by the town to announce the town center. Peter Garratt will build

the structure as he is the person who created the one for the town. The structure has a small overhang to protect the boards from weather, as would the redwoods which shelter the location. The boards could be mounted to the structure with a choice of orientations. They could sit

at angles / \ or straight --- ----

Either orientation would allow them to be viewed by the smallest of citizens the families who use the Town Center.

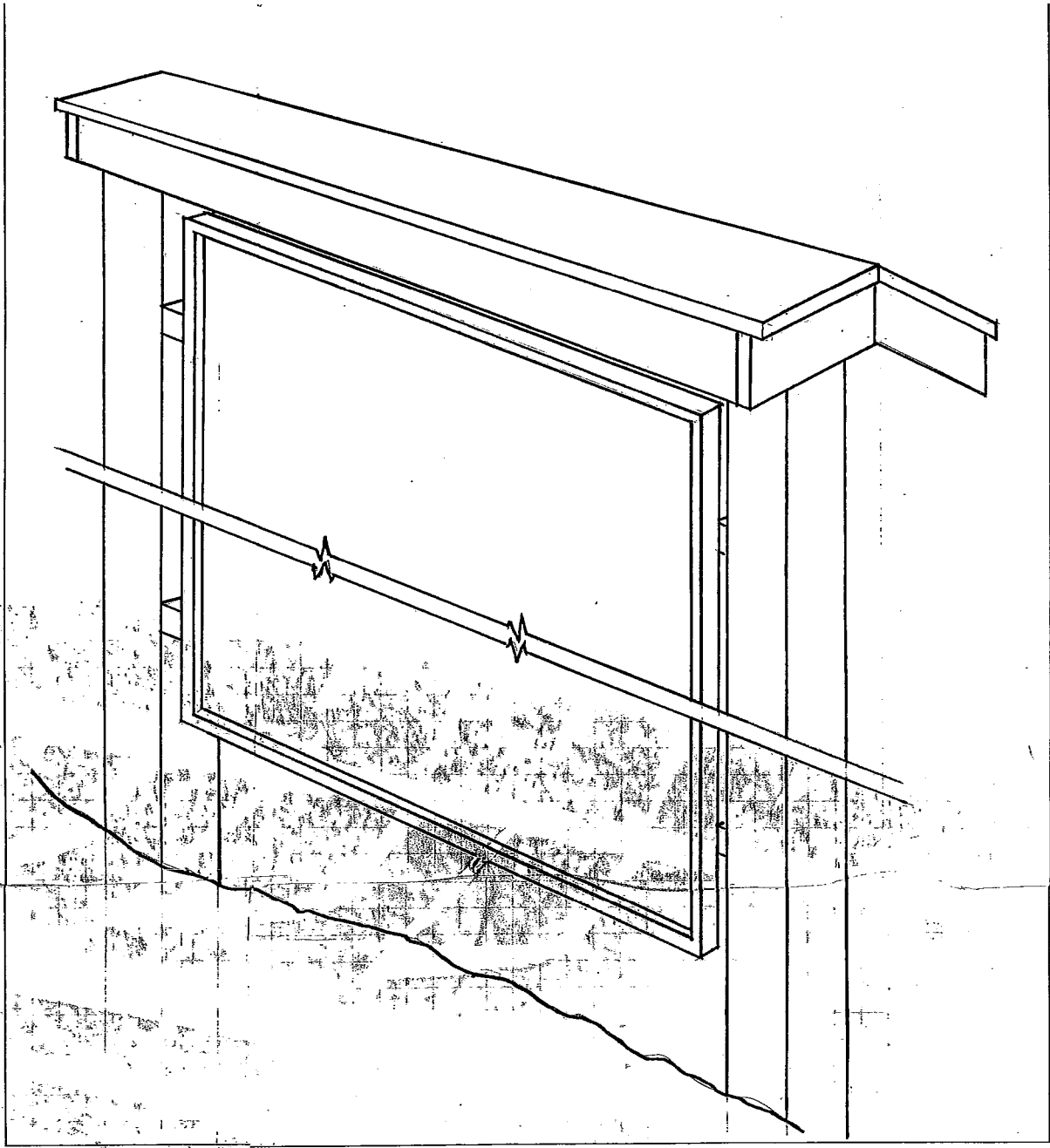
The CAC has a commitment from a Portola Valley citizen who is willing to fund the construction of the structure, the restoration of the boards themselves will be completed by another volunteer, PV resident Don Neiderhaus. Our mission is to encourage, include and involve locals to invest in our community; the Tiles are a worthy vehicle for the investment. We had not considered this alternative in our earlier proposal, but feel it best visually, and structurally; we hope you concur.

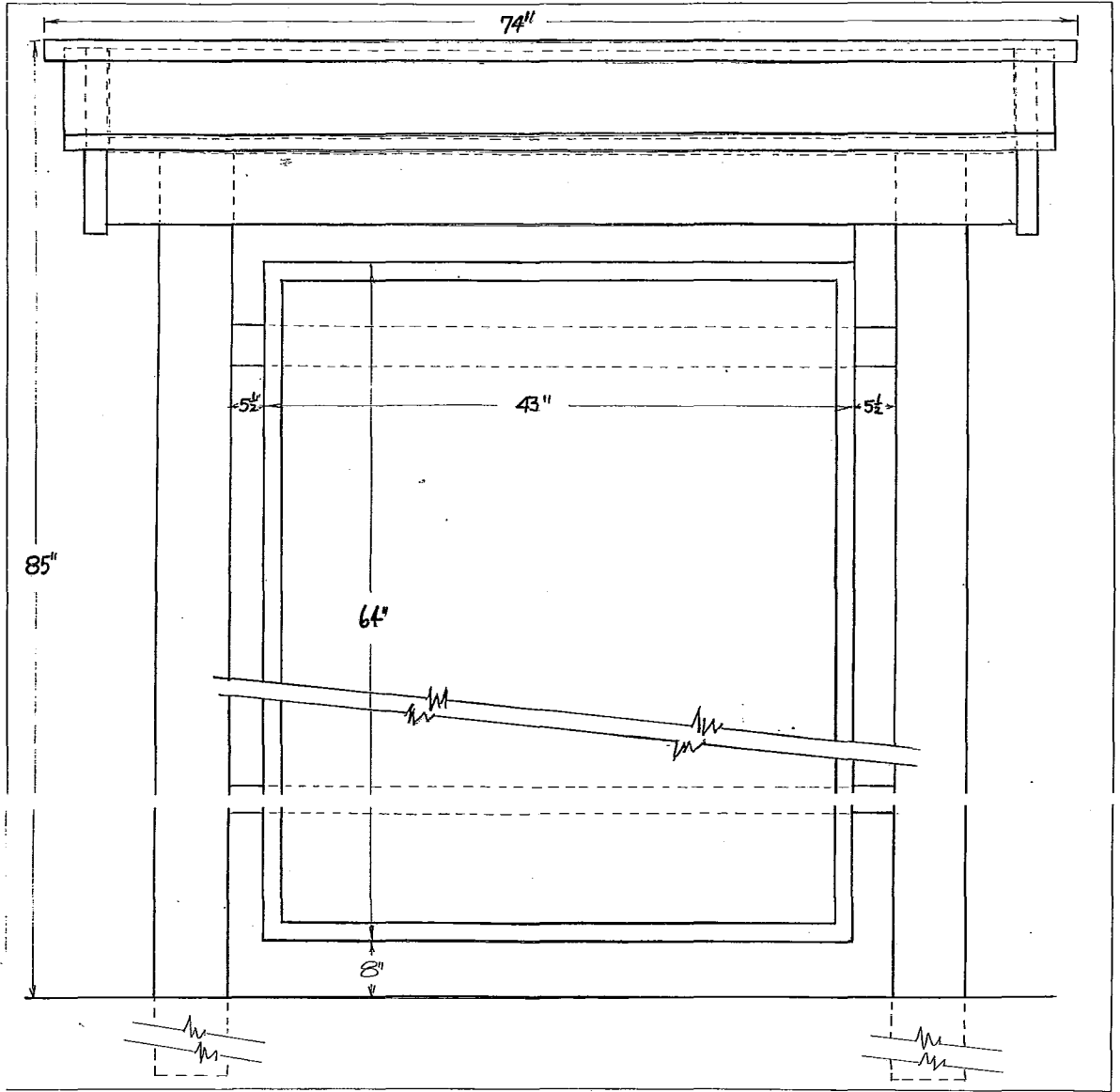
Respectfully,
The Cultural Arts Committee

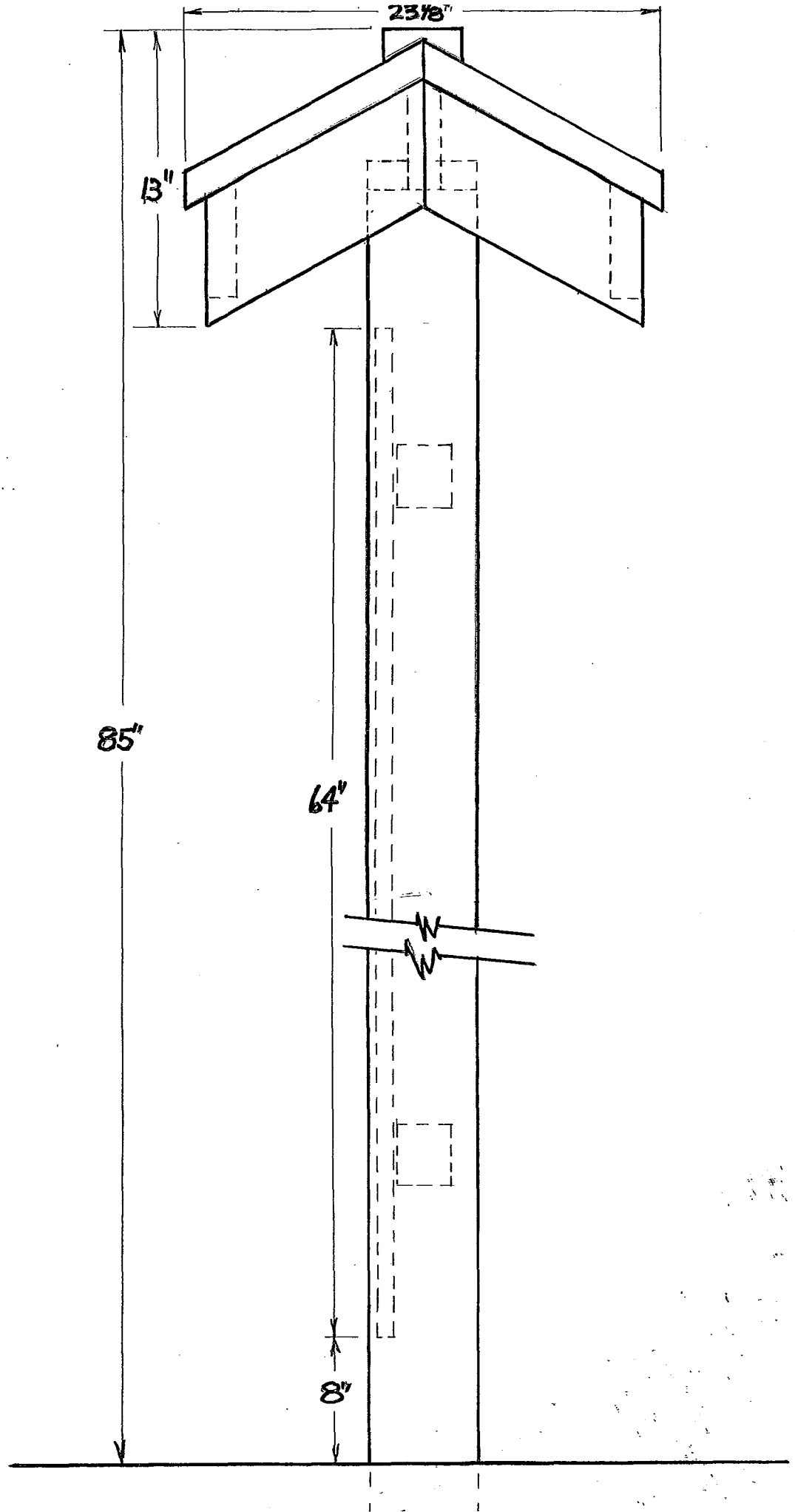
From: Susan Thomas <poodlest@sbcglobal.net>
Subject:
Date: October 19, 2010 12:06:34 PM PDT

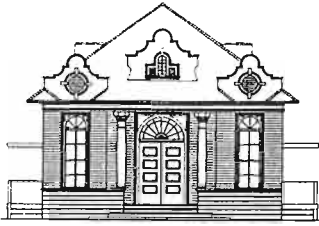
The tiles will be housed in redwood which will match the entry signs and continue the flow and essence of the town center -
They will be placed in the ground with compacted soil like the playground fence posts and the entry sign -
The work will be done by Peter Garratt who has created the entry sign and other structures on the campus and will be consistent with those projects -
A donor is interested in subsidizing part of this project -

Cultural Arts Committee
Susan Thomas and Jeannette Fowler
October 20, 2010









MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Mayor and Members of the Council

FROM: Janet McDougall, Assistant Town Manager

DATE: October 27, 2010

RE: **Recommendation of Panel to Consider Donations of Artwork**

Recommendation:

1. Accept donation of bronze statues offered by the Cagan family, to be placed adjacent to the redwood grove near the playground.
2. Decline offer of Giclée print of Georgia Lane offered by Paige Fulkerson.

Issue Statement/Discussion:

The Town has recently received two offers to donate pieces of art for display. At its August 25, 2010 meeting, the Town Council adopted a policy governing acceptance of donations of art to the Town. In accordance with the policy, a panel was formed to review the artwork offered.

The review panel was comprised of:

<u>Participant</u>	<u>Representing</u>
Deirdre Clark	Cultural Arts Committee
Steve Marra	Cultural Arts “
Gayle Collat	Advisor to Cultural Arts “
Carter Warr	ASCC
Wendi Haskell	Parks & Recreation Committee
Maryann Derwin	Town Council
Angela Howard	Town Manager

The panel met on September 29, 2010 to review a pair of bronze statues of children playing offered by the Cagan family, as well as a Giclée print of a scene of Georgia Lane, painted by Millicent Bishop, and offered to the Town by her daughter, Paige Fulkerson. The panel utilized the criteria set forth in the Town’s policy to arrive at the following recommendations:

Giclée Print of Georgia Lane

The panel examined the print offered and determined that, while the piece is a lovely depiction of Georgia Lane, it is not an original piece and therefore is not of exhibition quality. Further, it was found there is no real historic or cultural significance to the Town, and the artist is not a Portola Valley resident. Finally, the panel determined that there is no suitable space for display. All of these factors led the panel to conclude that the Town should decline the print. A copy of a photograph of the print is attached as Exhibit "A".

Town staff has contacted the Town Historian, Nancy Lund, to determine whether or not the piece might be suitable for inclusion in the Town's historic archives and found there may be interest. In addition, the print might also draw significant interest as a silent auction item for the next Blues and Barbecue event. Staff has begun to pursue these avenues with the donor.

Bronze Statues

The panel viewed the written description and photograph attached as Exhibit "B" depicting the bronze statues of children playing that have been offered. At least one member of the panel had actually viewed the pieces in their current location on the Cagan property. Panel members considered the subject, quality, size, and artistic merit of the pieces and determined the pieces relate well to the overall Town Center, but should not be prominently displayed.

The panel recommends that the pieces be accepted for placement in an area just outside the circle of trees in the redwood grove, near the playground. This location will provide for an element of surprise as people come onto the site, which will support the image of playfulness the pieces portray. It was felt that the scale and nature of the pieces will work very well in this area, and that a few additional plantings of native vegetation could add to the element of surprise suggested. A map indicating the recommended location is attached as Exhibit "C".

Other Panel Recommendations

Panel members emphasized that their recommendation relative to these two offers should not be viewed as precedent setting. Members expressed a desire to keep the Town Center campus simple to let the natural surroundings and uses on the site define the space. Members also suggested that the policy governing art donations be posted on the Town's website to highlight the criteria used in evaluating artwork offered for donation; this has been done.

Approved:


Angela Howard, Town Manager

Attachments – Exhibit "A" - photo of print; Exhibit "B" - description/photo of statues; & "C" - location map/photos of proposed site

Exhibit "A"



Exhibit "B"

The Cagan Family Donation

The Cagan Family would like to donate a set of bronze sculptures to the Portola valley Town Center. They are of 2 children joyously playing and delighting in the wonders of nature. Called "Joyous blessings".

As "Joyous Blessings" compliment the natural landscape of our Portola Valley Town Center, it is The Cagan Family's hope that hearts are filled with joy and gratitude as a reminder of our and our children's privileged enjoyment of our Portola Valley Open space.

I am a PV artist, though presently retired I have sculpted several life-size pieces, one of which is at Stanford University that depicts the Muybridge study, "Horse in Motion". Joyous Blessings are a set of 2 that are privately owned by me and not for public sale. I will be happy to install them, which requires a cement footing in the ground of approximate size of 18" by 18". They are of Bronze, which is timeless and indestructible. May all enjoy them for years to come.









From: Yvonne Tryce [ytryce@yahoo.com]
Sent: Monday, October 18, 2010 9:26 PM
To: Sharon Hanlon
Subject: Advisory Committee Applicant

To the Portola Valley Town Council:

Foster Beigler, a resident of Portola Valley, is interested in joining the Town Nature and Science Committee. She was voted on favorably at the October 14, 2010 meeting of the committee. Her skills in art, interest and knowledge in science, and her enthusiasm for the work of the committee should make her a valued member.

Yvonne Tryce for the Nature and Science Committee

From: webmaster@portolavalley.net
Sent: Monday, October 18, 2010 9:07 PM
To: Sharon Hanlon
Subject: Application to Serve on Committee

Submission information

Submitter DB ID : 893
Submitter's language : Default language

Time to take the survey : 14 min. , 30 sec.
Submission recorded on : 10/18/2010 9:07:08 PM

Survey answers

Full Name:*
Foster Beigler

Name of Committee I'm Interested in Serving On:
(Please note that only the committees currently seeking volunteers are listed.)

Community Events Committee	<input type="checkbox"/>
Cultural Arts Committee	<input type="checkbox"/>
Emergency Preparedness Committee	<input type="checkbox"/>
Nature & Science Committee	<input checked="" type="checkbox"/>
Parks & Recreation Committee	<input type="checkbox"/>
Traffic Committee	<input type="checkbox"/>

Email Address:*
fosterbeig@aol.com

Address:*

Number of years in Portola Valley:*
30 years

Preferred Telephone Contact #1:*

Preferred Telephone Contact #2:

Please state why you have an interest in this committee, and state any background or experience you may have that may be useful in your service to this committee:*

Great supporter of Science & Reason. I have a strong interest in entomology in itself and as it related to my functioning as an artist. I am a member of the Coleopterist Society and have attended numerous scientific meetings to learn more about insecta. Much of my recent work is in woodcuts and linocuts of insects. I worked as a professional international technical television photo journalist for over twenty-five years. I have been asked if I would design a banner for the "Nature & Science " committee and I would be most happy to work on the banner project.

Do you have any personal or financial interest that could be perceived by others as a conflict of interest relative to your service on the committee? If so, please describe:*

None

Subject: Application to Serve on Committee

From: Sharon Driscoll [<mailto:sdriscoll@law.stanford.edu>]

Sent: Monday, October 18, 2010 9:02 AM

To: Sharon Hanlon

Subject: Fwd: FW: Application to Serve on Committee

Dear Members of the Town Council,

The Portola Valley Teen Committee voted on Katie Putnam's application to serve on the committee at its September meeting. We unanimously approved this application. We therefore recommend that the Town Council approve this application.

With kind regards,

Sharon Driscoll
Chair, PV Teen Committee

Thank you for your consideration.

From: webmaster@portolavalley.net
Sent: Wednesday, July 28, 2010 2:45 PM
To: Sharon Hanlon
Subject: Application to Serve on Committee - Teen - Putnam

Submission information

Submitter DB ID : 743
Submitter's language : Default language

Time to take the survey : 1 min. , 21 sec.
Submission recorded on : 7/28/2010 2:45:18 PM

Survey answers

Name of Committee I'm Interested in Serving On:
(Please note that only the committees currently seeking volunteers are listed.)

Community Events Committee	<input type="checkbox"/>
Conservation Committee	<input type="checkbox"/>
Cultural Arts Committee	<input type="checkbox"/>
Emergency Preparedness Committee	<input type="checkbox"/>
Parks & Recreation Committee	<input type="checkbox"/>
Sustainability Committee	<input type="checkbox"/>
Teen Committee	<input checked="" type="checkbox"/>
Traffic Committee	<input type="checkbox"/>
Trails & Paths Committee	<input type="checkbox"/>

Full Name:*
Katie Putnam

Email Address:*
katiemputnam@gmail.com

Address:*

Number of years in Portola Valley:*
10

Preferred Telephone Contact #1:*

Preferred Telephone Contact #2:

Please state why you have an interest in this committee, and state any background or experience you may have that may be useful in your service to this committee:*

Hello Teen Committee Board,

My name is Katie Putnam. I am 14 years old, and will be attending Sacred Heart Prep in the Fall. I've lived in Portola Valley for 10 years and am interested in joining the teen committee for both its social and community aspects. I hope to contribute to the community and get involved in projects that will better Portola Valley.

Sincerely,
Katie Putnam

Thank you for your consideration.

Do you have any personal or financial interest that could be perceived by others as a conflict of interest relative to your service on the committee? If so, please describe:*

no

There are no written materials for this item.

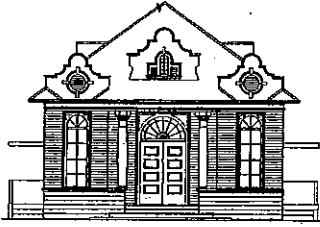
TOWN COUNCIL WEEKLY DIGEST

Friday – October 15, 2010

- ☐ 1. Memorandum to Town Council from Leslie Lambert regarding Phillips Brooks School Update – October 14, 2010
- ☐ 2. Agenda – Parks and Recreation Committee Meeting – Monday, October 18, 2010
- ☐ 3. Agenda – Regular Planning Commission Meeting – Wednesday, October 20, 2010
- ☐ 4. Action Agenda – Regular ASCC Meeting – Monday, October 11, 2010
- ☐ 5. Action Agenda – Special Town Council Meeting – Wednesday, October 13, 2010

Attached Separates (Council Only)

- ☐ 1. Comcast California – September, 2010
- ☐ 2. HIP Housing Happenings – Fall 2010
- ☐ 3. Estuary News – October 2010
- ☐ 4. The Sequoian – October 2010



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Mayor and Members of the Town Council

FROM: Leslie Lambert, Planning Manager

DATE: October 14, 2010

RE: Phillips Brooks School Update

This memorandum provides an update on the status of the Phillips Brooks School purchase of the 10+ acre parcel of land within unincorporated Santa Clara County, immediately east of Alpine Inn and Los Trancos Creek.

Staff received word from Michael Eanes, Head of School at Phillips Brooks School that the property remains as part of their portfolio, basically as an investment. Mr. Eanes indicated that they have no plans to do anything with the property at this time.

Staff has contacted Santa Clara County Planning Department to see if any applications have been made with the County by Phillips Brooks School. We were informed no contact has taken place and no applications have been received.

Further, staff contacted Ms. Martha Poyatos, Executive Director with San Mateo County LAFCo. Ms. Poyatos indicated that she has not received any inquiries from Phillips Brooks School.

In addition, staff contacted Mr. Bill Kitajima, Projects Manager with West Bay Sanitary District. Mr. Kitajima indicated that he has not had any contact with Phillips Brooks School since prior to their purchase of the property.

If you would like additional information, please let me know.

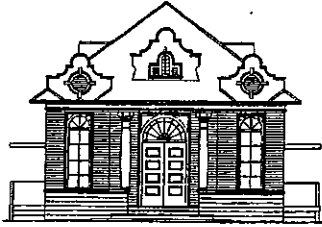


Town of Portola Valley
Parks & Recreation Committee Meeting
Monday, October 18, 2010 – 7:30 pm
Historic Schoolhouse
765 Portola Road, Portola Valley, CA

AGENDA

1. Call to Order
2. Oral Communications (*5 minutes*)
Persons wishing to address the Committee on any subject, not on the agenda, may do so now. Please note however, the Committee is not able to undertake extended discussion or action tonight on items not on the agenda. Two minutes per person.
3. Approval of Minutes: August 16, 2010 (*5 minutes*)
4. Reports from Staff and Council (*5 minutes*)
5. Ford Field renovation discussion (*60 minutes*)
6. Tennis program update (*15 minutes*)
7. Adjournment

Next meeting: November 15, 2010



3

TOWN OF PORTOLA VALLEY
REGULAR PLANNING COMMISSION MEETING
765 Portola Road, Portola Valley, CA 94028
Wednesday, October 20, 2010 – 7:30 p.m.
Council Chambers (Historic Schoolhouse)

AGENDA

Call to Order, Roll Call

Commissioners McIntosh, Von Feldt, Zaffaroni, Chairperson Gilbert, and Vice-Chairperson McKitterick

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.

Regular Agenda

1. Compliance with Annual Reporting Conditions, Conditional Use Permit X7D-30, The Priory School
2. Site Development Permit Request X9H-618 and associated Demolition Permit, Patricia Law's Homestead Ruins, 5010 Alpine Road, McKinney

Commission, Staff, Committee Reports and Recommendations

Approval of Minutes: September 15, 2010

Adjournment

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 ext. 211. Notification 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting.

AVAILABILITY OF INFORMATION

Any writing or documents provided to a majority of the Town Council or Commissions regarding any item on this agenda will be made available for public inspection at Town Hall located 765 Portola Road, Portola Valley, CA during normal business hours.

Copies of all agenda reports and supporting data are available for viewing and inspection at Town Hall and at the Portola Valley branch of the San Mateo County Library located at Corte Madera School, Alpine Road and Indian Crossing.

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 15, 2010

CheyAnne Brown
Planning & Building Assistant



4

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

ACTION

7:30 PM - REGULAR AGENDA*

1. Call to Order: 7:31 p.m.
2. Roll Call: Aalfs, Breen, Clark, Hughes, Warr (Warr absent. Also present: Tom Vlasic Town Planner; Nate McKitterick Planning Commission 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 *This item will be removed from ASCC Calendar until further notice Vlasic provided update to the Commission concerning code enforcement process.*
 - 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 Commission discussed the proposals and took public comment. 4394 Alpine Road demo permit found categorically exempt from CEQA and approved subject to conditions to be met to the satisfaction of Planning staff. 5010 Alpine Road – no further comments from the ASCC to forward to the Planning Commission beyond those identified at the 9/27/10 meeting.
5. Approval of Minutes: September 13, 2010 and September 27, 2010 All approved as submitted.
6. Adjournment 8:07 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.

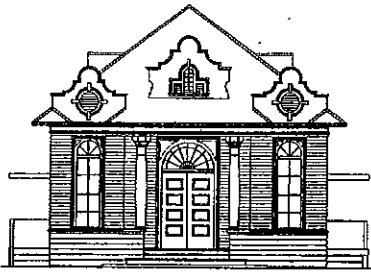
PUBLIC HEARINGS

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: October 8, 2010

CheyAnne Brown
Planning & Building Assistant



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

5

ACTION AGENDA

7:32 PM – CALL TO ORDER AND ROLL CALL

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

Councilmember Richards absent

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.

None

CONSENT AGENDA (7:34 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 22, 2010

Approved as Amended 4-0

(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. 2507-2010)

Items 2, 3 and 4 Approved 4-0

REGULAR AGENDA

PUBLIC HEARING (7:37 pm)

(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

Actions taken by Council –

- 1) **Mitigated Negative Declaration: Motion to adopt Councilmember Wengert, Second none, motion fails.**
- 2) **Conditional Use Permit: Motion to approve the findings to grant a Conditional Use Permit, no motion.**
- 3) **Significant Gap: Found evidence of the existence of significant gap in coverage thus enabling T-Mobile to proceed with installation of wireless antenna, Motion Councilmember Derwin, Second Vice Mayor Driscoll, Approved 4-0**
- 4) **Least Intrusive Means: The proposed Wireless Facility is the least intrusive with Council decision to be finalized by Resolution at the 10/27 Council meeting. The resolution to provide for Conditional Use Permit approval, due to mandates imposed on the town by the Federal Telecommunications Act, will include conditions set forth in the staff report and additional conditions directing that the ASCC make final decision for landscaping and exact location for the antenna within the site, as described by Town Planner, and regular monitoring of radio frequency levels for neighbors is within FCC regulations, Motion Councilmember Derwin, Second Vice Mayor Driscoll, Approved 4-0**

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

- (6) **Report from Councilmember Derwin – Sustainability Leadership Award / ICLEI Conference (10:07 pm)**
There are no written materials for this item.

Councilmember Derwin attended the ICLEI Conference in Washington DC where she accepted the award on behalf of the Town of Portola Valley for Outreach Innovation for a Small Community.

- (7) **Reports from Commission and Committee Liaisons (10:17 pm)**
There are no written materials for this item.

Vice Mayor Driscoll - Trails and Paths reviewed the process for upcoming interviews

Councilmember Derwin – ASCC continued discussion of the Dhillon project and continued consideration of demolition permits requests for two residences on Alpine Road. The Sustainability Committee will work in three subgroups; Focus Group, Smart Strip and Trip Advisor.

Councilmember Wengert – Spring Down Committee reviewed the hydrology report which confirmed that the pond water is dead, supports no life. Next steps include work on the perimeter trail and modified restoration of the pond. The Community Events Committee is working on the Volunteer Appreciation Party.

Mayor Toben – None to report

WRITTEN COMMUNICATIONS (10:33 pm)

- (8) **Town Council Weekly Digest – September 24, 2010**

#1 – Assistant Town Manager confirmed a grant application will be submitted to Sequoia Healthcare District

- (9) **Town Council Weekly Digest – October 1, 2010**

- (10) **Town Council Weekly Digest – October 8, 2010**

ADJOURNMENT: 10:34 pm

ASSISTANCE FOR PEOPLE WITH DISABILITIES

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

AVAILABILITY OF INFORMATION

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

SUBMITTAL OF AGENDA ITEMS

The deadline for submittal of agenda items is 12:00 Noon WEDNESDAY of the week prior to the meeting. By law no action can be taken on matters not listed on the printed agenda unless the Town Council determines that emergency action is required. Non-emergency matters brought up by the public under Communications may be referred to the administrative staff for appropriate action.

PUBLIC HEARINGS

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

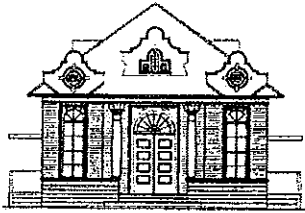
TOWN COUNCIL WEEKLY DIGEST

Friday – October 22, 2010

-
- ☐ 1. Memorandum to Town Council from Tom Vlastic regarding Wireless Taskforce – October 20, 2010
 - ☐ 2. E-mail to Cultural Arts Committee from Jeannie Goldman regarding resigning from the Cultural Arts Committee – October 17, 2010
 - ☐ 3. Notice of Portola Valley & Woodside's "Green Vision" Forum on Monday, November 8, 2010
 - ☐ 4. Agenda – Safe Routes to School Meeting – Friday, October 22, 2010
 - ☐ 5. Agenda – ASCC Meeting – Monday, October 25, 2010
 - ☐ 6. Agenda – Conservation Committee Meeting – Tuesday, October 26, 2010
 - ☐ 7. Action Agenda – Regular Planning Commission Meeting – Wednesday, October 20, 2010

Attached Separates (Council Only)

- ☐ 1. Invitation to celebrate the retirement of the Honorable Warren Slocum on Thursday, November 18, 2010
- ☐ 2. Invitation to HEART's breakfast and tour of HEART-funded, affordable rental homes on Thursday, November 4 or Tuesday, November 9, 2010



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Town Council
FROM: Tom Vlastic, Town Planner
DATE: October 20, 2010
RE: Wireless Taskforce

At the October 13, 2010 meeting, I presented the information in my October 5, 2010 report on the status of town efforts in planning to deal with further applications for new wireless facilities and services in the town. This included the formation of a taskforce to consider changes to town policies and zoning regulations. In addition, earlier this year the council indicated it would support such an effort and concurred that any taskforce should include a at least the following:

Town Council representative (Ted Driscoll has agreed to fill this slot.)
Planning Commission representative (Leah Zaffaroni has agreed to fill this slot.)
ASCC representative (Jeff Aalfs has agreed to fill this slot.)
Town Planner Vlastic
Town Planning Manager Lambert

This membership is appropriate as it is highly likely that the taskforce would develop recommendations for changes to town planning policy, guidelines and ordinances. In addition, it is recommended that the committee include citizens at large and a few residents have already indicated interest in the taskforce work. Input would likely also be sought, as appropriate, from other town committees with some interest/expertise, including the cable, conservation and emergency preparedness committees.

At this point, we would intend to convene a meeting of the above listed individuals and have an initial taskforce meeting. This would focus on final taskforce membership and setting the agenda for taskforce work. We will be looking to a time in the next two weeks for this meeting.

TCV

cc. Angela Howard, Town Manager
Leslie Lambert, Planning Manger
Sandy Sloan, Town Attorney
Denise Gilbert, Planning Commission Chair
Carter Warr, ASCC Chair

From: Jeannie Goldman [mgoldman3@prodigy.net]
Sent: Sunday, October 17, 2010 3:32 PM
To: Sharon Hanlon
Subject: Cultural Arts Committee

Dear Members of the Town Council,

I hereby resign as a voting member of Portola Valley Cultural Arts Committee. I plan to continue participating as a non-voting member when I can. Thank you for the opportunity to serve these couple of years.

Sincerely,

Jeannie Goldman

**Portola Valley & Woodside "Green Vision" Forum
COMBATING SUDDEN OAK DEATH**

Monday, November 8, 7 P.M. to 9 P.M.
Community Hall at Portola Valley Town Center
765 Portola Rd., Portola Valley

Sudden Oak Death (SOD) continues to make an impact on our community. Oaks are dying in our backyards, neighborhoods, and open space lands.

This forum will provide information on Sudden Oak Death and its treatment in our communities.

SPEAKERS WILL INCLUDE:

- *Matteo Garbelotto*, Asst. Adjunct Professor in the Dept. of Environmental Science, Policy, and Management, UC-Berkeley will present the results of the "SOD Blitz" (collection of data by citizens in May of this year).
- *Janet Santos Cobb*, Executive Officer of California Oaks, will speak about why oak conservation is critical to achieving climate stability, sustainable wildlife habitat and healthy watershed.

SAVE MONEY ON AGRI-FOS & PENTRABARK

Participate in a bulk order. Order deadline **November 10th**.
Forms available at the Town of Woodside, Town of Portola Valley, or at www.woodsidefire.org, www.woodsidetown.org, www.portolavalley.net.

For more information, contact:
www.suddenoakdeath.org
Kevin Bryant, Town of Woodside, 851-6790, kbryant@woodsidetown.org
Leslie Lambert, Town of Portola Valley, 851-1700, ext. 212, llambert@portolavalley.net

SafeRoutes

National Center for Safe Routes to School



Portola Valley Safe Routes to School Coalition Meeting 10.22.10

Meeting Time: 3:30 p.m.

Meeting Location: Community Hall – Buckeye Room

Agenda

Welcome and Introductions

Updates

- Outreach Efforts – Brandi de Garmeaux
- Additional Crossing Guard – Tim Hanretty
- Bike/Walk to School Day – Shelly Sweeney
- Work Completed/Planned SRTS Coalition Survey Recommendations – Howard Young

SamTrans Schedule & Route Time

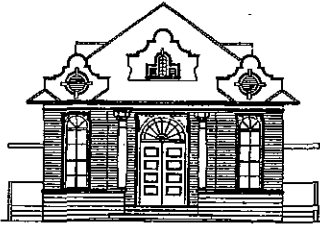
- Review Proposed Changes to Schedule and Route

Carpooltoschool.com

- Current Participation
- Ideas to Increase Participation

Next Steps

- Trails and Traffic Subcommittee Meeting
- Trail Usage Count
- Schedule
 - Classroom Counts
 - Quarterly Meetings of Coalition
 - Next Bike/Walk to School Date: April 27, 2011



**TOWN OF PORTOLA VALLEY
ARCHITECTURAL AND SITE CONTROL COMMISSION (ASCC)
Monday, October 25, 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 of Conditional Use Permit (CUP) Application X7D-169, Request to Permit Additional Floor Area and Impervious Surface Area on 229-Acre Parcel, 555 Portola Road, Spring Ridge LLC (Neely/Myers)
5. New Business:
 - a. Architectural Review for New Entry Gate, 10 Tagus Court, Mabardy
6. Approval of Minutes: October 11, 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

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This Notice is Posted in Compliance with the Government Code of the State of California.

Date: October 22, 2010

CheyAnne Brown
Planning & Building Assistant



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TOWN OF PORTOLA VALLEY
Conservation Committee
Tuesday, October 26, 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 – September 28, 2010**
4. **Old Business**
 - A. Schedule of events for 2010
 - Town speaker series Oct 28
 - SOD blitz November 8
 - Holiday Fair December 4
 - B. CC presence on Town Website/document
 - Reports from website subcommittee and doc subcommittee
 - C. Update on weeding maintenance schedule 2010/2011
 - D. Town Open Space parcel management/owners: Open issues
 - E. CUP Neely
5. **New Business**
 - A. Committee comments on Ford Field refurbishment plan
 - B. Tip of the month / PV Forum
 - C. Site permits
 - 138 Ramoso Road, Site Development Permit
 - 5010 Alpine road, Site Development Permit
 - D. Tree permits
6. **Announcements**
7. **Adjournment**

Enclosures:

September 28, 2010 meeting minutes
Ford Field Refurbishment Plan



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**TOWN OF PORTOLA VALLEY
REGULAR PLANNING COMMISSION MEETING
765 Portola Road, Portola Valley, CA 94028
Wednesday, October 20, 2010 – 7:30 p.m.
Council Chambers (Historic Schoolhouse)**

**ACTION
AGENDA**

Call to Order, Roll Call 7:30 p.m.

Commissioners McIntosh, Von Feldt, Zaffaroni, Chairperson Gilbert, and Vice-Chairperson McKitterick **(McIntosh absent. Also Present: Tom Vlasic Town Planner)**

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.

Regular Agenda

1. Compliance with Annual Reporting Conditions, Conditional Use Permit X7D-30, The Priory School **Commission considered the annual report requesting additional follow-up items.**
2. Site Development Permit Request X9H-618 and associated Demolition Permit, Patricia Law's Homestead Ruins, 5010 Alpine Road, McKinney **Commission found project categorically exempt and approved site development permit subject to conditions as modified.**

Commission, Staff, Committee Reports and Recommendations

Vlasic provided status update on Neely and T-Mobile

Approval of Minutes: September 15, 2010

Approved subject to modifications

Adjournment 8:40 p.m.

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Date: October 15, 2010

CheyAnne Brown
Planning & Building Assistant
