



TOWN OF PORTOLA VALLEY

7:30 PM – Regular Town Council Meeting

Wednesday, October 26, 2011

Historic Schoolhouse

765 Portola Road, Portola Valley, CA 94028

REGULAR MEETING AGENDA

7:30 PM – CALL TO ORDER AND ROLL CALL

Vice Mayor Derwin, Mayor Driscoll, Councilmember Richards, Councilmember 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 September 28, 2011 (3)
- (2) **Approval of Minutes** – Special Town Council Meeting of October 5, 2011 (20)
- (3) **Ratification of Warrant List** – October 12, 2011 (31)
- (4) **Approval of Warrant List** – October 26, 2011 (43)
- (5) **Recommendation by Administrative Services Officer** – Budget Amendment, COPS Funding restored (55)

REGULAR AGENDA

PUBLIC HEARING

- (6) **PUBLIC HEARING** – First Reading of Proposed Wireless Communications Facilities Ordinance (56)
 - (a) First Reading of Title, Waive Further Reading, and Introduce an Ordinance of the Town Council of the Town of Portola Valley Adding Chapter 18.41 [Wireless Communications Facilities] to Title 18 [Zoning] of the Portola Valley Municipal Code and Repealing and Amending Related Sections in Title 18 [Zoning] for Conformity (Ordinance No. __)
- (7) **Discussion** – Planning Commission Requested Clarification of the Meadow Preserve Provisions of the General Plan (106)
- (8) **Recommendation by Town Manager** – Introduction of Ordinance Repealing Chapter 10.08 [Administration] of Title 10 [Vehicles and Traffic] of the Portola Valley Municipal Code (142)
 - (a) First Reading of Title, Waive Further Reading, and Introduce an Ordinance of the Town Council of the Town of Portola Valley Repealing Chapter 10.08 [Administration] of Title 10 [Vehicles and Traffic] of the Portola Valley Municipal Code (Ordinance No. __)
- (9) **Discussion and Council Action** – Heather Renschler of Ralph Andersen and Associates with Development of Town Manager Recruitment Materials (147)

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

- (10) **Discussion** – Proposed Naming of “C-1” Trail and Ribbon Cutting Ceremony (150)
- (11) **Reports from Commission and Committee Liaisons** (151)

There are no written materials for this item.

WRITTEN COMMUNICATIONS

- (12) **Town Council Weekly Digest** – October 7, 2011 (152)
- (13) **Town Council Weekly Digest** – October 14, 2011 (165)

(14) **Town Council Weekly Digest – October 21, 2011 (173)**

ADJOURNMENT

ASSISTANCE FOR PEOPLE WITH DISABILITIES

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

AVAILABILITY OF INFORMATION

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

SUBMITTAL OF AGENDA ITEMS

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

PUBLIC HEARINGS

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

TOWN COUNCIL SPECIAL MEETING NO. 828 SEPTEMBER 28, 2011

Mayor Driscoll called the meeting to order at 7:05 p.m. in Hansen Hall at The Sequoias and led the Pledge of Allegiance. Ms. Howard called the roll.

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

Absent: None

Others: Angela Howard, Town Manager
Sharon Hanlon, Town Clerk
Leigh Prince, Town Attorney Representative
George Mader, Planning Consultant
Brandi de Garmeaux, Sustainability & Resource Efficiency (SURE) Coordinator

ORAL COMMUNICATIONS

Mike Schilling said that it was a privilege to have the Town Council meeting at The Sequoias, reminding the audience that Councilmembers, Commissioners and appointed Committee members – a number of whom live at The Sequoias – are unpaid volunteers.

Carol Espinoza, Ladera resident of some 40 years, said that regarding the lower Alpine Road portion of the C-1 Trail issue on tonight's agenda, Portola Valley does not have the right to represent the interests of those who live further down Alpine Road in this matter.

(1) Presentation: Recognition of 30-year anniversary of John "Skip" Struthers, Maintenance Coordinator

Mayor Driscoll read a humorous, thoughtful proclamation in recognition of Skip Struthers's 30 years of service to the Town and its residents. Mr. Struthers said that it's been a pleasure working for the Town, its residents and staff.

CONSENT AGENDA [7:40 p.m.]

(2) Approval of Minutes: Regular Town Council Meeting of September 14, 2011

(3) Approval of Warrant List: September 28, 2011 in the amount of \$150,302.84

By motion of Councilmember Wengert, seconded by Vice Mayor Derwin, the Consent Agenda was approved with the following roll call vote:

Aye: Councilmembers Richards, Toben, Wengert, Vice Mayor Derwin, Mayor Driscoll

No: None

REGULAR AGENDA

(4) Recommendation by Sustainability & Resource Efficiency Coordinator: Acceptance of award and Master Services Agreement for electric vehicle charging stations at Town Center [7:15 p.m.]

(a) Enter into an agreement with Coulomb Technologies for acceptance of award and Master Services Agreement for electric vehicle charging stations at Town Center

As Ms. de Garmeaux indicated in her September 28, 2011 memorandum to the Mayor and the Town Council, Portola Valley has been awarded a grant for two dual-head electric vehicle charging stations through a program funded by the U.S. Department of Energy. A separate grant, funded by the California Energy Commission through Coulomb Technologies, is expected to cover the cost of Installation of the stations. As Ms. de Garmeaux explained, this presents a great opportunity for the Town to become part of the electric vehicle charging infrastructure, and for the Town Council to show its support for greenhouse gas (GHG) emissions reductions.

Ms. de Garmeaux indicated that she's discussed the stations with the public works director and finance director of Los Altos Hills, which installed three charging stations about a year ago under similar circumstances, and everything has gone smoothly. Los Altos Hills, which initially charged \$5 per hour for station use and has since reduced it to \$2 per hour, is considering moving to time-of-use charges when Coulomb Technologies updates its software within the next few months.

Vice Mayor Derwin said that Southern California Edison, at a recent presentation to the League of California Cities, indicated that it's working with 90 out of 180 cities, including electricians and residents, on a program to get through the complexities of installing private charging stations. She asked whether PG&E is doing the same in our area.

As far as interfacing with residents, Ms. de Garmeaux said she hadn't understood the process was so complex. She asked Councilmember Richards to relay his experience. Mr. Richards, who indicated that his wife has been commuting with an electric car for the past five months or so, has one of the Portola Valley charging stations. He found installation a fairly simple process, and said that PG&E gets peripherally involved, to the extent that they want to ensure that the electrical system has the capacity to do the job. He said that the Town's permitting procedures are simple as well. There have been no issues about the load on the grid, because they use the station only in the middle of the night.

Councilmember Wengert said that perhaps because it's a nascent technology, she saw very little reference to maintenance in the service contract. She also asked whether there's any provision for upgrading the charging stations as technology advances. In terms of maintenance, Ms. de Garmeaux said that the charging stations are designed to run maintenance-free for 10 years, although she does not know whether any experience bears that out. Everything covered by the warranty would be covered by Coulomb Technologies; the Town would be responsible for any other maintenance expenses. As far as upgrades are concerned, she said, no provisions have been made beyond 2013.

Ms. Prince indicated that there isn't much incentive for Coulomb Technologies to agree to future upgrades and so forth, on a grant that runs through only 2013.

Councilmember Wengert noted that at the end of the contractual period, the contract should specify something – extension, renewal, removal of facilities, etc. Ms. Prince said that in this case, she believes the Town would just keep the hardware, pay for associated software and data reporting, and Coulomb Technologies would have no further obligation after 2013.

Councilmember Richards moved to approve entering into an agreement with Coulomb Technologies for acceptance of the award and Master Services Agreement for electric vehicle charging stations and their installation at Town Center. Seconded by Councilmember Toben, the motion carried 5-0.

(5) Recommendation by Town Manager: Approval of Agreement for Town Manager Executive Search Consultant [7:25 p.m.]

(a) Enter into an Agreement with Ralph Andersen & Associates for Town Manager Executive Search Services

Ms. Howard recalled that in July 2011, the Town Council approved issuance of a Request for Proposal (RFP) for executive search services. Four proposals were submitted in response, and a subcommittee

(Mayor Driscoll, Councilmember Richards and Ms. Howard) interviewed three search firms – Bob Murray & Associates, William Avery & Associates and Ralph Andersen & Associates.

Ms. Howard said that she worked with Ralph Andersen & Associates President and CEO Heather Renschler on a timetable that should put her successor as Town Manager on board by April 2012.

In response to a question from Vice Mayor Derwin, Ms. Howard said that Ralph Andersen & Associates was chosen primarily on its excellent track record in working with small Northern California communities. She said that their answers regarding the difference in recruiting for a small town versus a large town also impressed her. Mayor Driscoll added that all three candidates were pretty good, but Ralph Andersen & Associates seemed slightly better.

In response to Vice Mayor Derwin's question about what cities the company has worked with, Ms. Howard said they've done searches for the manager position in Belvedere, Corte Madera, Hillsborough, Sausalito, Tiburon and Rocklin, as well as larger ones such as Davis and Beverly Hills. To her knowledge, she said, this firm has not worked with Menlo Park, Atherton or Woodside.

Councilmember Wengert asked how the firm approaches the assignment, i.e., with a lead recruiter? A team? Pointing out that the interviewing subcommittee wanted to ensure a single point of contact with whom the Council could have a good working relationship, Ms. Howard said that's exactly how Ralph Andersen & Associates operates.

In response to Councilmember Wengert's question about the phrase "the relation of master and servant," in the Town's agreement with Ralph Andersen & Associates, Ms. Prince said that's standard language in the Town's short form.

Vice Mayor Derwin moved to approve entering into an agreement with Ralph Andersen & Associates for Town Manager executive search services. Seconded by Councilmember Toben, the motion carried 5-0.

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

- (6) Discussion and Council Action: Proposed letter to San Mateo County regarding the lower Alpine Road C-1 Trail [7:30 p.m.]

Mayor Driscoll recused himself because his wife is a Stanford University employee.

Vice Mayor Derwin said that this matter involves only making a recommendation to the San Mateo County Board of Supervisors. Mr. Mader explained that a decision facing the San Mateo Supervisors is whether to accept in excess of \$10 million from Stanford University for the purpose of developing a trail/path along lower Alpine Road, from the Town limits of Portola Valley to Junipero Serra Boulevard. Mr. Mader added that as he understands it, either the County accepts these funds and proceeds, or rejects these funds, in which case the money goes to Santa Clara County.

A two-phase process has been discussed, according to Mr. Mader. The first phase might address the trail design, obtaining public input and looking at environmental impacts. Based on the outcome of the first phase, San Mateo County might move forward toward a detailed construction design.

A few facts that Mr. Mader cited:

- Because the General Use Permit (GUP) for Stanford University shows a C-1 Trail on Stanford land from Junipero Serra Boulevard to Arastradero Road, it's already part of the approved plan. In administering that provision of a plan approved by Santa Clara County, Santa Clara County determined that it would meet its approval requirements if the trail were developed in San Mateo County.

- The Committee for Green Foothills filed a court action stating that the trail – in San Mateo County – had not been reviewed pursuant to CEQA, whereas apparently the trail on the Santa Clara County side of the county-line boundary had been. As Mr. Mader said he understands from exchanges with The Committee for Green Foothills' Lennie Roberts, Legislative Advocate, San Mateo County, that action ultimately went to the California Supreme Court, which opined that the Committee's filing missed the deadline by a matter of two days.
- The Portola Valley General Plan and the San Mateo County Bikeways Plan both show a bike path along lower Alpine Road from Junipero Serra Boulevard to Arastradero Road.
- Stanford offered approximately \$2 million to Portola Valley to build its section of the C-1 Trail, which runs from Ladera to Arastradero Road. That portion is near completion, at about half the anticipated cost.
- The portion of the existing path along lower Alpine Road from Ladera to Junipero Serra Boulevard has a number of distressed areas – cracked pavement, narrow pavement in some places, questionable safety in some areas (e.g., around Stanford Weekend Acres and even prior to that, where bicyclists ride on the other side of the guardrail).
- Serious erosion is undermining the Los Trancos Creek bank and, in some places, the paved path, and might threaten the road in the future.
- Points of access from Stanford Weekend Acres to lower Alpine Road pose a dangerous situation for many who live near those access points. The heavy traffic at considerable speeds combined with at least one bad curve present hazards, despite some mitigation thanks to a waiting lane and left-turn lane at one point.

As Mr. Mader explained, Stanford Weekend Acres residents take a position that the path proposed would bring in greater numbers of walkers and bicyclists, going in both directions and making it more difficult for them to exit their driveways across the path to get to lower Alpine Road.

Some people feel that the path should not be improved, Mr. Mader continued, and that San Mateo County should reject the Stanford offer in the hope that Santa Clara County decides to develop other trails to serve the area.

To help clarify how Santa Clara County would use the money if San Mateo County rejects it, Mr. Mader read from Santa Clara County's agreement with Stanford University regarding Trail Easements, Construction, Management and Maintenance and Grants of Easements. Under "Payment to Santa Clara County," he read:

If, for any reason, San Mateo does not enter into an agreement as provided in Section 4.d above or otherwise fails to complete construction pursuant to such an agreement on or before the date of completion as provided in Section 4.d above, Stanford shall instead pay \$8.4 million (as increased annually pursuant to the indexing mechanism in Section 4.e) or any portion of that amount that either was not paid to San Mateo by Stanford or was reimbursed by San Mateo to Stanford, to the County of Santa Clara no later than 60 days after the date of completion. Similarly, if, for any reason, Portola Valley does not enter into an agreement as provided in Section 4.d above or otherwise fails to complete construction pursuant to such an agreement on or before the date of completion as provided in Section 4.d above, Stanford shall instead pay \$22.8 million (as increased annually pursuant to the indexing mechanism in Section 4.e) or any portion of that amount that either was not paid to Portola Valley by Stanford or was reimbursed to Stanford by Portola Valley, to the County of Santa Clara no later than 60 days after the date of completion. The County shall use such funds only to mitigate impact OS-3 described on page 4.2-21 of the Environmental Impact report for the GUP

(to wit: the adverse effect on recreational opportunities for existing or new campus residents and facility users that will be caused by the housing and academic development approved by the GUP, which will reduce the availability of recreational facilities while increasing the demand for such facilities); provided the funds shall not be used for facilities on Stanford's lands without Stanford's consent.

Mr. Mader referenced communications in August 2011 between Stanford Provost John Etchemendy and Santa Clara County. Mr. Etchemendy raised several questions germane to this issue, and Mr. Mader discussed two of them. One: "Has a Regional Trails Grants Program or recreational funding in connection with the Stanford Trails Agreement ever been discussed by the Santa Clara County Board of Supervisors? If so, has it been approved?" That's because there's speculation of how those funds might be used should they accrue to Santa Clara County. The response: "At this point, the Board of Supervisors has not formally discussed a Regional Trails Grants Program for trail funding at either regular board meetings or at the committee level, thus, no such program has been approved."

The second question, Mr. Mader continued, was: "Before Stanford's offer to San Mateo County expires, will the county consider how any funds that might come to the County pursuant to Section 4.i, would be used, and what process would be employed to distribute those funds?" Is it possible that Santa Clara County would determine that any such funds would be used exclusively in Santa Clara County?" The answer: "I would not expect the Board of Supervisors to consider how such funds might be used until, and only after the conditions of Section 4.i. have been met." So once the funds have been rejected, Mr. Mader concluded, Santa Clara County would determine how those funds might be used.

Mr. Mader said that he's attended three events San Mateo County has hosted in regard to the trail issue – two public meetings at Ladera Oaks Swim & Tennis Club and a field trip. San Mateo County plans to hold another meeting on October 4, 2011 to discuss the input received to date, Mr. Mader added. He said that San Mateo County Assistant County Manager Dave Holland told him that based on that meeting, a recommendation will be made to the San Mateo County Board of Supervisors whether to accept or reject the funds. The Board of Supervisors has tentatively scheduled a hearing on the matter for its October 18, 2011 meeting.

Referring to Ms. Espinosa's earlier comments about Ladera, Mr. Mader said that the Ladera Community Association (LCA) also met and prepared a letter to San Mateo County endorsing improvement of the path in question. Of about 20 people at the LCA meeting, he said, two or three spoke in opposition to the improvements and the rest favored them.

Mr. Mader said that an endorsement letter from Portola Valley also had been drafted for the Town Council to consider, based on the fact that the path improvements are in the General Plan and would complete the path along Alpine Road. The planning area in the General Plan goes to the intersection of Junipero Serra Boulevard and Alpine Road. Ladera and all the land down to Stanford Weekend Acres are encompassed by Portola Valley's sphere of influence, he explained. Thus, if any of that land is ever annexed, it can be annexed only to Portola Valley. Stanford Weekend Acres itself, also an unincorporated area, lies within Menlo Park's sphere of influence.

Mr. Mader said that the Town has received a number of communications on the topic as well, from proponents and opponents of the path proposal alike.

Councilmember Wengert, seeking clarity on the outcome if San Mateo County doesn't vote to accept the Stanford funds by the deadline, asked whether the funds would revert to Santa Clara County for unspecified use. Mr. Mader said that the funds would be used for recreational facilities that have been displaced by development on the Stanford campus. He pointed out that the agreement also stipulates that the money couldn't be spent on development on campus without the University's prior approval.

Vice Mayor Derwin noted that among the correspondence the Town has received is a letter recommending support of a Regional Trails Grants Program. She asked whether such a program is an option on the table at this time. Mr. Mader said that Santa Clara County would provide for facilities that service those people on Stanford campus who are losing recreational opportunities, but how Santa Clara County interprets that is unknown. Mr. Mader said that in his opinion, the replacement facilities would have to be somewhere near the campus, rather than in southern Santa Clara County.

Vice Mayor Derwin asked whether supporting a Regional Trails Grants Program would require rejecting the notion of the funds coming to San Mateo County and then just hoping that Santa Clara County Supervisors decide to create a Regional Trails Grants Program. Mr. Mader said that he believes that to be the case, because the Regional Trails Grants Program is not an option available to San Mateo County.

In terms of the eroding creek bank that Mr. Mader mentioned, Vice Mayor Derwin asked whether it will require repairs at some point regardless of San Mateo County's decision on the lower Alpine Road trail issue. Mr. Mader said that it should be repaired, because the erosion threatens existing public improvements and the magnitude of the threat will increase until it is addressed. He said that it's his understanding that San Mateo County could use the Stanford funds to deal with the erosion problems.

Ms. Howard confirmed Vice Mayor Derwin's understanding that the Town has taken a very public position on reducing greenhouse gases (GHG) by endorsing AB32 (the Global Warming Solutions Act), using sustainability as the framework in which to judge all development, and working with the Safe Routes to Schools Program to encourage children to ride bicycles and walk to school. In addition, Ms. Howard said, the Town is working on a new committee to encourage people to bike to work and use bikes as an alternative mode of transportation.

In that context, Vice Mayor Derwin asked whether it would support Portola Valley's core mission to reduce GHG by supporting a bicycle-pedestrian walkway that would enable residents to safely ride bicycles into Menlo Park, Palo Alto and even the CalTrain station. Ms. Howard said yes, it would.

Vice Mayor Derwin said that she takes exception to a statement made in a letter from Jon Silver suggesting that San Mateo County has money in its house and its sales tax measure 3% for bike and pedestrian projects. As a member of the C/CAG Board, she said, she knows that those findings are highly contested. There is not a lot of money, and it's not easy to get.

Councilmember Wengert asked whether San Mateo County is in an all-or-nothing position. Mr. Mader said that it appears that way – that San Mateo County either accepts or rejects the funds – but he added that according to Mr. Holland, they could undertake a two-part process. The first would focus on design, including public meetings and an environmental study. If at that point, the County decided not to proceed, the balance of the funds would revert to Santa Clara County.

Mr. Mader noted that the regular traffic backups at the intersection of Alpine Road and Junipero Serra Boulevard will only get worse with the completion of the Stanford University Medical Center (SUMC) Project – despite findings in the project's Environmental Impact Report (EIR). The lower Alpine Road trail may play a role relative to that congestion, he said, because some people may rather ride bicycles than contend with even heavier traffic.

Jon Silver, Portola Road, requested a list of communications that the Town has received relative to the lower Alpine Road trail issue. Ms. Howard said that statements in favor of San Mateo County accepting the funds came from the Ladera Community Association, Noel Hirst, Susan Gold (Trails and Paths Committee chair), and Lynne Davis (Trails and Paths Committee member). Among those submitting statements of opposition were Adele Jessup, Roland Taylor, Diana Gerba, Joel Schreck, Mr. Silver and Mary Paine.

Alluding to Vice Mayor Derwin's comment on his letter, Mr. Silver said he didn't think he'd suggested San Mateo County was wasting tons of money from sales tax proceeds, but the County has acknowledged the safety problems on the trail. Because it will face liability unless something is done about those problems, he said that the County would find the funds to do the sensible repairs.

Mr. Silver also said that he believes it's a mistake to simply accept an ultimatum; when the best choices aren't apparent. He argued that we must try to make those choices available. He said that Stanford didn't like the agreement it entered into with Santa Clara County. While he said that Mr. Mader's recount of the situation was not inaccurate, some points of emphasis and certain facts were missing. It took five years of difficult back-and-forth negotiations between Santa Clara County staff and Stanford University before the parties agreed to a "mediocre route" for the S-1 Trail near Matadero Creek. Just hours before the meeting, Mr. Silver stated, Stanford delivered an ultimatum to Santa Clara County, demanding that if Santa Clara County wanted Stanford's property on that trail, the C-1 Trail would have to be moved over to San Mateo County.

According to Mr. Silver, Portola Valley should suggest that the two counties set up a Regional Trails Grants Program. He reasoned that just because it doesn't exist now doesn't mean that it cannot, particularly if San Mateo County approaches Santa Clara County saying they could take the offer with a two-year extension, and with some flexibility in terms of how San Mateo County spends the money, i.e., in a jointly administered Regional Trails Grants Program.

Mr. Silver also observed that after serving on the Portola Valley Planning Commission for nearly 13 years and having attended the last Ladera meeting, he found the process dysfunctional. He said he was shocked to see Mr. Holland disseminate inaccurate information – "crucial mistaken information" – in indicating that if the money went to Santa Clara County, Santa Clara could do anything they wanted with it. Mr. Silver also said that the meeting was structured in such a way as to lead people down a path to a decision that he likened to animals in a slaughterhouse.

According to Mr. Silver, Mr. Mader failed to mention that San Mateo County Board of Supervisors twice turned down Stanford's offer unanimously. He also claimed that this project would not support Safe Routes to Schools; in contrast, it would be an unsafe and environmentally destructive trail. The weakest link to Menlo Park would be at the intersection of Sand Hill, Alpine and Santa Cruz Roads, he noted, asking how parents would ever want to send their children on bikes through that intersection. He also claimed that commuters would continue to use the road rather than turn to the trail. He said other good trails could be built, but not under the terms of this offer as it stands today. He also noted that while Portola Valley's General Plan shows a trail in this area, it's not a 12-foot trail with 2-foot shoulders, which he said would be a "monstrosity."

Mr. Silver said that the staff report echoed the misinformation given out by Mr. Holland in regard to Santa Clara County's freedom to use the money any way it wants if San Mateo County doesn't accept it. He said that fact makes him very uncomfortable about the road the Town is already too far down. He said that Portola Valley has a history of making forward-looking decisions, but there's nothing more backward-looking than this "awful" proposed trail. He said that a trail next to a busy road with 25,000 vehicle trips on it every day is not a recreational trail; it makes the EIR process a joke.

Mr. Silver said that since the California Supreme Court never ruled on the merits of the issue, he wonders whether a new opportunity for a lawsuit will present itself if San Mateo County accepts the funds and proceeds. He said he'd rather see Portola Valley be the catalyst that brings San Mateo County, Santa Clara County and Stanford together to get a Regional Trails Grants Program going.

Steve Schmidt, Central Avenue, Menlo Park, said that he's a former Menlo Park mayor who had a difficult time during expansion of the Stanford West area. The project Stanford wanted and Palo Alto approved created a lot of congestion in the Sand Hill/Santa Cruz/Junipero Serra/Alpine Road area, he recalled, and Menlo Park found itself in the awkward position of having to make a decision about widening its roadways to reduce the congestion.

He said that Stanford was very persistent, and finally got Menlo Park to agree to widen the road at Stanford's expense. Mr. Schmidt said that Menlo Park had no choice other than to agree or become the pariahs of the Peninsula. In hindsight, he said, with more room, it's safer now to ride a bicycle through those complex intersections, but the congestion remains serious.

That being said, Mr. Schmidt stated that the C-1 Trail project on lower Alpine Road is reminiscent of Stanford's persistence in his own experience. However, he said that the offer of \$10 million plus doesn't bring much benefit to Portola Valley, and especially not to San Mateo County. As Mr. Silver alluded, Mr. Schmidt added, a multi-use trail next to a busy road is a dangerous design that should not be considered or constructed. Contrary to what Mr. Mader claimed in terms of improved public safety, he said, this would create greater danger. Furthermore, it would be redundant insofar as San Mateo County is already very committed to building bike lanes on Alpine Road and a safer bike route through the I-280/Alpine Road interchange. He said that nowadays traffic professionals all consider mixed-use trails sources of increased hazards rather than solutions to safety problems. He said that it's great that Stanford brought Portola Valley a multi-use trail; there's some rationale to that because the road shoulders on Alpine Road aren't bike lanes. In summary, Mr. Schmidt said, he doesn't think Portola Valley should send the proposed letter because it's an extremely bad idea to support the sidewalk or mixed-use trail.

Marilyn Walter, Coyote Hill, said that because the University owns all of the land across from Stanford Weekend Acres, from the Sand Hill/Alpine Road intersection, it should produce what's needed to carve into its side of the road down to I-280 and thus avoid the tremendous problem of reaching I-280 from Sand Hill Road.

Janet Davis, Alpine Road, Menlo Park, said that she sees children at La Entrada School (in the Las Lomas Elementary School District) come and go every day. She said there's a total of about 1,400 students. Of that total, 90 children come from Portola Valley, all but six of whom take the bus. She also said that Stanford doesn't recognize the dangers along Alpine Road; once she said she counted 43 semi-trailers coming to Stanford, along with bicyclists, other commuters and pedestrians. She said there are too many people doing too many things for it to be safe. Ms. Davis also said that because the gas line along Junipero Serra Boulevard – which joins the huge pipeline that follows Alpine Road in front of her driveway – is on the top-10 list of dangerous gas lines, a lot of the work that's needed on the road will be taken care of in the process of upgrading those gas lines anyway. She said that under CEQA, negative impacts are considered significant when paths cross driveways, and she's very much in opposition to the lower Alpine Road trail. Her property is deep enough that it wouldn't personally affect her all that much, she said, but still she said that it's unsafe.

Ted Huang, Mimosa Lane, said that he's been a Ladera resident for two years and is also a member of the Silicon Valley Bike Coalition, which recently wrote a letter in support of the renovation of the lower Alpine Road trail. He said there's been a lot of talk about studies showing that a bicycle-pedestrian path separated from the road is safer than bikes sharing the roadway with motor vehicles. In his research, in conjunction with the Coalition, he said he learned that in December 2010, the Harvard School of Public Health published a study that examined a similar situation, and determined that fewer accidents occur on "separate bicycle tracks" than on shared roadways. He said that a number of websites discuss research that shows shared-use roadway studies haven't been undertaken diligently. He said that he favors a separate bicycle-pedestrian track.

Ray Villareal, Meadowood Drive, said that he isn't an expert but is troubled when opinions are presented as facts. He said that he supports the Town's letter to San Mateo County as it was written. He has used the trail as it exists, and would love to be able to ride his bike with his daughter to a Stanford football game but would be nervous about using the trail for that purpose as it stands now. He said that although there are probably a thousand ways to make the trail better, at this time we're presented with circumstances we can either take advantage of or not.

As a practical person, Mr. Villareal said, he'd encourage taking advantage of the circumstances, resulting in the ability to use a trail that connects Portola Valley to Stanford. He would like to ensure that the money is spent in San Mateo County, and hopes the County will view this as an opportunity to do something positive. He mentioned an earlier comment about the County being committed to bike trails, but said after living here 14 years, he hasn't seen much evidence of that. He said that the C-1 Trail project could be a catalyst to do it, and thus he'd support it.

P.J. Utz, West Floresta Way, Ladera, said that he's a Stanford faculty member. He said that everything Mr. Mader said is correct; he's been fact-checking on this issue over the past four months. He also said that the portion of the C-1 Trail being built now in Portola Valley is gorgeous, and it makes him sick to think that it will end in some sort of roundabout. In terms of children and commuting, he said that his children would ride their bikes to school on the trail if it weren't so dangerous. There is no way children can ride bikes safely on Alpine Road, he argued. Serious bicyclists might not use a dedicated, separate trail, he said, but children certainly would need it.

Mr. Utz said he took offense at an earlier comment about children being bribed with pizza and soda to demonstrate in favor of the trail. He said that these children, including his daughter and about 50 others, self-organized and formed a group they called "Flat Tires." In terms of a Regional Trail Grants Program, he said that in some ways it's a good idea, but this money won't be used to build trails along Arastradero Road or connecting with Skyline Boulevard way up in the foothills. The Stanford Weekend Acres Neighborhood Association, he said, has made it very clear to him that they have ideas about how they'd like to see the money used, and it would not be for those two trails.

Shandon Lloyd, La Mesa Drive, Ladera, urged the Council to send the letter in support of the trail to San Mateo County. She said people use that trail, and it's in bad enough condition that sometimes she and her children have to get off the trail into traffic and to walk around parked trucks. She said she'd like to have a nice, safe alternative to the road. She said that when she grew up in Palo Alto, she was able to avoid University Avenue and ride on Hamilton and Forest Avenues; there is no such option in Portola Valley, she said – the only way to go is west. Ms. Lloyd said that she's glad that San Mateo County is fully supportive of bike routes although disappointed that the County hasn't come up with the funding for trail repairs under I-280 at Alpine Road. She said that the lower Alpine Road trail is a great alternative. She also pointed out that the other Stanford trail doesn't get much use, and if the money earmarked for the lower Alpine Road portion of the C-1 Trail isn't used for that purpose, she's concerned about where it would be spent.

Diana Gerba, Stowe Lane, Menlo Park (Stanford Weekend Acres) said that the Portola Valley Town Council's voice will carry some weight on this issue, and wanted to ensure that the Council understands how much this trail would affect her and her neighborhood. When one envisions a recreational trail, she said, they don't envision the reality of Alpine Road between Piers and Junipero Serra Boulevard. She said what's being discussed is actually a "glorified sidewalk" on a very busy, dangerous road, with five roads and driveways to cross. As a resident, she said it is extremely difficult to get out of her driveway even now, particularly during commute hours. She said that trying to make a left-hand turn off Alpine Road toward 280 is almost impossible, and the trail would exacerbate the situation. Taking the curve on Alpine Road at Bishop Lane on the way back home, she said, she's always afraid of being rear-ended when slowing for bicyclists.

Ms. Gerba said to fully understand her objections, and the objections of others at Stanford Weekend Acres, Councilmembers should see the situation for themselves during commute hours. She said they should park at Bishop Lane and Alpine Road, then walk to Stowe Lane and ask themselves, "Could this ever feel recreational? Could it ever feel safe?"

Rob Decker, Mira Way, Ladera, said that he is "dead set" against the trail as proposed by Stanford. He said that although he didn't hear his name mentioned among opponents, he'd submitted a "pretty thorough" survey of government documents and policies and safety research on bicycle safety by certified traffic engineers who specialize in bicycle safety.

Mr. Decker said that he'd cited about 70 studies, all but one of which found that bicycling on bidirectional, multi-use trails along busy roads that cross multiple intersections (such as two freeway off-ramps) is very dangerous in comparison to riding a bicycle on the street. Although it sounds counter-intuitive, he said, the evidence is not just a preponderance – it's overwhelming that such a trail would be hazardous.

Mr. Decker also read something that Alan Wachtel wrote to him in an email: "Given the trail's shared use, narrow width and potential intersection conflicts, and the problem of access to and from it in the wrong-way direction, it would be misleading to characterize it as somehow safe for recreational use of families and kids, commuting to school in Menlo Park, especially for inexperienced bicyclists." Mr. Decker said that Mr. Wachtel is a member of the Institute of Transportation Engineers, chair of the California Bicycle Advisory Committee, member of the Palo Alto Bicycle Advisory Committee, Government Relations Director for the California Association of Bicycling Organizations and has other bicycle-safety-related credentials.

In addition to the objections the Town Council has heard so far, Mr. Decker said – encroachment and reduction of the quality of life in Stanford Weekend Acres and the ethical issue of Stanford trying to wriggle out of a deal it made – the lower Alpine Road trail would not be recreational. He said that the road is polluted, dangerous and carries 25,000 cars a day; it's nothing like the section of trail just built in Portola Valley, which is lovely and has very few issues, crosses only two paths – an entrance to an equestrian facility and Ford Field. On the other hand, Mr. Decker said, the proposed connector between Ladera and Junipero Serra Boulevard would cross two entrances to the tennis courts, about 20 driveways in the Stanford Weekend Acres area, five roads that connect those driveways and dump out onto Alpine Road and two freeway off-ramps – one with a yield sign and one with a stop sign. According to Mr. Decker, these two off-ramps present the greatest danger of all, because bicyclists approaching them from the south are coming from the wrong direction; drivers are looking left, while bicyclists would be coming from the right. Again, he said, research indicates that riding against traffic on a bidirectional path at intersections such as this is the most dangerous thing in bicycling. The only way to mitigate that danger would be for complete separation of bicyclists and pedestrians from traffic, i.e., a tunnel under the freeway off-ramp or a bridge over it.

Mr. Decker said that he didn't think Portola Valley would take Stanford's money if the Town thought it would result in a trail that is so dangerous. Given the overwhelming safety data from legitimate sources and the multiple, legitimate objections from Ladera and Stanford Weekend Acres, he wants Portola Valley to say, "No, thanks" to this offer, tell San Mateo County to send the money back, and then work hard with Ladera and Stanford Weekend Acres to create an original Trails Grants Program. Furthermore, he said, some of that money could come back to San Mateo County to make minimal improvements, repave the trail and bolster the creek.

Larry Horton, Senior Associate Vice President and Director of Government and Community Relations for Stanford University, said that while he wouldn't respond to factual inaccuracies he's heard tonight, he wanted to explain where things stand now and what's at issue. He said there's no Stanford proposal for a trail. There never was a Stanford proposal for a trail in Portola Valley. Stanford did work with Portola Valley for the Town to create its own trail. If San Mateo County accepts Stanford's offer, that gives the County a lot of money to see if it works for them to fix Los Trancos Creek to make it safe. As Mr. Mader pointed out, Mr. Horton said, San Mateo County could elect to do design and environmental review in one phase and then proceed after addressing all the questions about safety. He also said that he's very sympathetic to the situation of residents of Stanford Weekend Acres. The question facing San Mateo County, he said, is: "Should these funds be used to examine whether they can be productively used to provide a trail of the quality of the one in Portola Valley that goes all the way to Portola Valley and then hooks in with the trail that goes under Menlo Park onto Stanford lands?"

Gunter Steffen, Alpine Road, Menlo Park (Stanford Weekend Acres), said that we should have a safe trail but any attempt to put that trail along Alpine Road, along the heavy-traffic corridor with entrances and exits to approximately 200 residences just would not work. "No matter how you cut it," he said, "it's unsafe now. Do you want to make it deadly?" Mr. Steffen said that as a bicyclist, he rides the trail both directions. It may not be the safest, he argued, but it would be a lot more dangerous using what is proposed instead.

Regardless of whether the trail would be eight or 12 feet wide, Mr. Steffen said, his car is too long for bicyclists to be able to go around him in his driveway and he would thus block the trail trying to leave his home. He said that Alpine Road is full of blind turns, with visibility ranging from 240 to 300 feet, traffic moving at 40-45 mph and as fast as 50-60 mph.

Mr. Steffen said that on one of the routes he travels to work is a 12-foot-wide trail along the Bay – shared by scooters, bicyclists, runners and pedestrians, some walking their dogs – he's had two crashes in the past four years because people are "pretty aggressive" and there are no "escape routes." Mr. Steffen concluded by saying that he agrees with most of the statements made in opposition to the trail and considers them reasonable. He urged the Council to not send the letter in support of the trail.

Shandon Lloyd said that she lived in Stanford Weekend Acres, at 2607 Alpine Road, for eight years, from 2000 until 2008, and indicated that if there had been a bike path then, she would have known where to look for people when backing out of her driveway. She said that presumably, when we get a plan together, we would work to make it safer. Right now it isn't safe, but with some money, engineering and studies, it would be safer. Accordingly, if San Mateo County accepts the Stanford funds, she said, the worst that could happen is that it would be safer than it is now.

Jeanette Hansen, Portola Road, said that she's a longtime resident of Portola Valley and feels that the trail plan is not a good one. She said the other trail, the one already in place, isn't very rural, and this one would not provide recreational opportunities for anyone.

Chet Wrucke, Cima Way, said that if we want a trail between Ladera and Portola Valley all the way to Junipero Serra Boulevard of the quality of the C-1 Trail now being completed in Portola Valley, we need a new route – possibly the one that Ms. Walter mentioned earlier. If the Town wants something really beautiful, he said, it has to differ from what exists today along lower Alpine Road.

When Vice Mayor Derwin indicated she was calling on the last speaker from the audience on the subject, Mr. Silver said that he objected to the way she was conducting the meeting. He said that isn't the way to run a hearing on an important topic. Going on, he said that a Regional Trails Grants Program would be a very reasonable approach. He also pointed out that San Mateo County has leverage as long as the deadline hasn't expired, and if needed, that deadline could be extended for two more years, provided that Stanford and Santa Clara County agreed to an extension. If San Mateo County worked with Santa Clara County to set up a jointly administered Regional Trails Grants Program, San Mateo County could relinquish some of the money. It would be a joint-powers type of agreement, he said. No matter how this comes out, Mr. Silver concluded, he wants to see his Town make the best decision, and hopefully serve as the catalyst for something better.

Vice Mayor Derwin invited comments from Councilmembers.

Councilmember Toben, noting that he's about to conclude his term on the Town Council, requested a moment to digress. He said that he's been reflecting with a sense of reverence and even majesty on the assemblage in the audience. He said it's been a great privilege to bring the Town Council meeting to The Sequoias for the past six years, and tonight is especially poignant because he estimated seeing some 250 years of Town service experience represented in the room. He called out a few names to recognize:

- Jean and Bob Augsburg, who led the efforts of The Sequoias to support the Town Center project, mobilizing people at The Sequoias to make a major contribution to the project.
- Marion Softky, a legend in the community for her decades of reporting, all aimed at making Portola Valley a better community.
- Dave Boyce, a steadfast voice for the Fourth Estate, reporting on Town news credibly, honestly and soberly.

- Andy Browne, a stalwart member of the Town's Nature and Science Committee.
- Marge DeStaebler, a legend in Portola Valley schools and on the Town Conservation Committee.
- Jeanette Hansen, serving more than a decade on the Trails and Paths Committee.
- Jon Silver, a "pantheon of gods" when it comes to Portola Valley public officials.
- Marilyn Walter, one of the finest trails advocates ever.
- Bud and Onnolee Trapp, "super-citizens" who Councilmember Toben said have inspired him for years with their dedication to engaging citizens in the business of their government, with no matter too small for their attention.
- Ray Villareal, a long-time member of the Portola Valley School Board.
- Bev Lipman, who – mostly single-handedly – raised \$1.5 million to secure a priceless trail segment.
- Mike Schilling, a distinguished alumnus of the Architecture and Site Control Commission.

As Councilmember Toben put it, "it's just extraordinary, and let no one ever suggest to me that citizenship doesn't matter, that volunteerism doesn't matter." He said it's profoundly moving for him to be part of a Town where the residents take so seriously their obligation to make this a better place.

Going back to the item at hand, Councilmember Toben said that he's grateful for all of the remarks made at tonight's meeting and submitted in writing. He has concluded, he said, that the Town ought to take a strictly neutral stance with respect to San Mateo County's acceptance or rejection of the Stanford funds for this project. He said that his rationale begins with the Town's role, which is not as the decision-maker. He said that the majority of the most acutely concerned stakeholders are not Town residents, but rather residents of Ladera and the Stanford Weekend Acres area. That Ladera is within Portola Valley's sphere of influence will only become relevant, Councilmember Toben stated, if and when Portola Valley sets out to annex Ladera.

Councilmember Toben said that he doesn't feel he's in a position to represent those voices, as an earlier speaker had indicated. He said the San Mateo County Board of Supervisors has a tough job ahead in making this decision, and said that tonight has provided an opportunity for citizens to rehearse their comments on a live microphone, because they may have an opportunity to do it again soon at a San Mateo County Board of Supervisors meeting.

The argument about the proposed trail striking a blow for sustainability doesn't impress Councilmember Toben, he said, because most of those who are committed to bicycle commuting wouldn't use a trail designed for this purpose but would continue using the road as they do now. He said that he's delighted that the Ladera Community Association has organized itself to debate the issue and come to a conclusion. But as an elected official in Portola Valley, he said, he's concerned about giving an undue impression to the San Mateo County Board of Supervisors, and he isn't inclined to take an official position. He said that he's happy to have the San Mateo supervisors either accept or reject the funding, and recognizes arguments on both sides, but is not prepared to take a position either for or against.

Councilmember Wengert said that Portola Valley's position in this matter is interesting considering the Town's recent experience in working with Stanford on a project with a terrific outcome – the portion of the C-1 Trail just being completed in the Town. She said that she's been directly involved in some of the discussions and negotiations with Stanford and has had only positive experiences.

She wanted the record to reflect that the process worked as Mr. Horton described it; Portola Valley really did manage the process, design the trail and implement all facets of the construction and design work in unfettered fashion. Thus, she said, she has no doubt that if the trail proposal moves forward, the process would proceed as Mr. Horton described.

Still, Councilmember Wengert continued, there is no doubt that the situation is extremely difficult relative to the remaining portion of the trail – and very significantly different, she added. She said that it's given her pause seeing, hearing and reading about whether the issues related to the lower Alpine Road portion of the trail are such that the Town should come forward with a specific opinion about it. A strong proponent of trails and Safe Routes to School, she said that she believes multi-use trails can work. She said the proposed trail width (12 feet) would be a positive for any trail that would be constructed. That said, however, she stated that she agrees with Councilmember Toben about Portola Valley not taking an official position on this issue. She also said that she'd like Portola Valley to go on record to relay the fact that the Town's experience with Stanford has been extremely positive. She said that she'd like the Town's letter to the San Mateo County Board of Supervisors also to encourage production of some new ideas. Whenever she sees a situation in which very smart, well-informed people spend a lot of time and end up at an impasse with intractable opinions on both sides of an issue, Councilmember Wengert said, it tells her there's a need to think about it in a different way.

Councilmember Richards said that his colleagues put things so succinctly that he doesn't have much to add. A big believer in design, he said, he is flummoxed that all the discussion about the proposed trail is taking place in a context in which there's not even a trail design to consider. He said that while the arguments against the trail from a safety standpoint seem to be good ones, he believes that design can do amazing things. At the same time, Councilmember Richards said he's swayed by Councilmember Toben's opinion that Portola Valley should take a neutral position, and by Councilmember Wengert's idea that the Town's letter make a suggestion to consider ways to make it better and pass along information about Portola Valley's experience with Stanford.

To summarize, Vice Mayor Derwin said:

- Councilmember Toben favors a neutral position, with no letter.
- Councilmember Wengert favors a neutral position, with a letter including comments.
- Councilmember Richards agrees with Councilmember Wengert.

Vice Mayor Derwin said she would have favored sending the letter as it was written, but made several additional points:

- The Council has actually weighed in on sphere-of-influence projects such as the Stanford Medical Center and Rosewood, and even outside the Town's sphere of influence with the Cargill Project.
- She's very sympathetic to the Stanford Weekend Acres residents and hopes that they get relief no matter what happens, and thought that Mr. Mader had addressed that to some extent in the letter he drafted to the San Mateo County Board of Supervisors.
- The trail is already in use and already dangerous, so accepting the funds would present an opportunity to make it safer, and to repair Los Trancos Creek with Stanford funds rather than San Mateo County's.
- The shared-road concept is an emerging one in the U.S. It's a challenging notion to build multi-use trails, but it is done elsewhere.

Vice Mayor Derwin concluded by saying that she believes the approach to take would be for Portola Valley to send a letter that does not take a position. Councilmember Wengert agreed to work with Mr. Mader on a revised draft. Councilmember Toben said that he would want to see the revised draft first.

Ms. Howard said that she would put the issue on the consent agenda for the Town Council's Special Joint Meeting with the Planning Commission on October 5, 2011.

- (7) Recommendation by Councilmember Toben and Town Attorney: Response to 2010-2011 Grand Jury Report, "County Officials Need to Make Noise about Aircraft Noise," dated July 6, 2011 [9:00 p.m.]

Mayor Driscoll returned to the dais.

Councilmember Toben indicated that he "took the standard approach" in drafting the letter of response to the 2010-2011 Grand Jury Report, "County Officials Need to Make Noise about Aircraft Noise." He indicated that letters of concern about aircraft noise continue to come in, including one from The Ranch just a few days ago.

Vice Mayor Derwin moved to approve the drafted response to the 2010-2011 Grand Jury Report, "County Officials Need to Make Noise about Aircraft Noise," dated July 6, 2011. Seconded by Councilmember Wengert, the motion carried 5-0.

- (8) Reports from Commission and Committee Liaisons [9:01 p.m.]

Vice Mayor Derwin:

(a) Newsletter Committee

- Working on the November 15, 2011 publication.
- Story ideas should go to Julia Dillingham.

(b) Sustainability Committee

- A total of 55 people have signed up for the Acterra High Energy Homes program, and the program is already one-quarter of the way to the program's energy goals.
- Power Down will go out to homes and audit electricity use in homes that don't have Smart Meters but have solar power, and Vice Mayor Derwin said that she'd be the test case for that on October 7, 2011.
- Energy Upgrade Portola Valley percolates along. Several committee members thoroughly reviewed the Acterra High Energy Homes program software, identified bugs and will report their findings to Acterra,
- The Smart Strip Guide is almost complete; again, Vice Mayor Derwin said that she'll be the test case.
- Work continues on the "Did you Consider" roofing flyer.
- Home Energy Detective kits are almost ready for checkout from Town Hall.
- Tuesday Harvest, the Tuesday speaker series, will begin in November.

(c) League of California Cities

Vice Mayor Derwin attended one of the three days of the League of California Cities Annual Conference in San Francisco in September 2011. In addition to hearing General Session speaker Dave Barry, the Pulitzer Prize-winning author who wrote a syndicated humor column for *The Miami Herald* for 25 years, plus numerous comedic novels and parodies, she attended sessions on:

- *The Smart Grid: What Cities Can Expect* as California's power grid is changing with the participation of three investor-owned utilities; the session also covered electric vehicles, Smart Meters, renewable energy and energy efficiency
- *CEQA and Greenhouse Gases: Lay Perspectives on New Regulations* released last year; the session also covered ways to determine whether a project's GHG emissions are significant, appropriate mitigation measures and how to streamline the process.
- *The Effects of Health Care Reform on Section 125 Plans*, which suggested a possible need for Portola Valley to revisit the idea of employee contributions to help offset the increased costs anticipated.

(d) Council of Cities

- California Attorney General Kamala Harris was unable to attend the September 23, 2011 Council of Cities dinner meeting in East Palo Alto so her associate Suzy Loftus, a former San Francisco prosecutor, attended and reported on realignment of public programs from state to county control (AB109).
- Many people in attendance made for a very rich discussion, according to Vice Mayor Derwin.

(e) Housing Endowment and Regional Trust (HEART) of San Mateo County

- Vice Mayor Derwin joined a HEART subcommittee to make the program more relevant to people, reduce fees and to help retain members.

Councilmember Richards:

(f) Conservation Committee

- Discussed individual open space parcels in Town.
- Working on invasives that are cropping up and ways to control them, as well as an update to the native plant list.
- A panel discussion is set for October 4, 2011 on the balance between fire safety and habitat.
- Talked about a landscape class that the water company is offering.

Councilmember Wengert:

(g) Planning Commission

At its September 21, 2011 meeting, the Planning Commission:

- Discussed a request involving a pervious-surface sports court material for use at 55 Golden Oak Drive.
- Approved a proposed lot-line adjustment at Alpine Road and Rapley/Simonic Trails, although an easement issue remains unresolved.
- Continued the public hearing on the Town's proposed wireless communication facilities ordinance, which should come to the Town Council within the next month.
- Discussed the special joint meeting with the Town Council scheduled for October 5, 2011.

WRITTEN COMMUNICATIONS [9:18 p.m.]

(9) Town Council September 16, 2011 Weekly Digest

- a) #1 – Email from Danna Breen to Angela Howard regarding School Siren – September 16, 2011

Mayor Driscoll reported that the concerns about loud sirens at Corte Madera School, as well as noise issues related to trash pickups, have been resolved.

- b) #2 – Mailing to Portola Valley residents – "History Happens Here" – October 1, 2011

Ms. Howard said that any residents interested in attending this program can go admission-free to the History Museum in Redwood City on October 1, 2011. All they need is identification showing Portola Valley residence.

(10) Town Council September 23, 2011 Weekly Digest

- a) #2 – Letter to Jeff Aalfs from Sandy Sloan congratulating him on his appointment to the Town Council – September 20, 2011

Council congratulated Jeff Aalfs, who was seated in the audience, on his appointment to the Town Council. He will begin his term at the December 14, 2011 Council meeting.

- b) #3 – Memorandum to Town Council from Howard Young informing of response to inquiry concerning sewer odors at West Bay Sanitary District's Corte Madera Pump Station - September 23, 2011

Mayor Driscoll said that it was good to see West Bay responding well to the odors issues. He mentioned the Sanitary District's use of a device called an Odalog that actually measures odors.

- c) #4 – Memorandum to Town Council from Brandi de Garneau regarding Group Incentive Program for Energy Upgrade California – September 23, 2011

Councilmember Toben said that he is somewhat skeptical of the notion of a competition as a winning tactic, and would like to know about the time involvement required. He wasn't sure that it would get the appropriate "bang for the buck." An even larger question, he said, is whether this approach would be consistent with keeping our eyes on the big picture. He said that we can be very busy and feel as if we're making some progress, but it's also important to know that we're "moving the needle."

Mayor Driscoll added that, as one of the pilots of the Solar City opportunity a couple of years ago, group purchasing opportunities are a good thing that the Town can facilitate.

Ms. de Garmeaux said that she's done a lot of research on what motivates people to undertake energy efficiency improvements in their homes, and based on the studies she's reviewed and the webinars she's watched, competition is among the most motivational tools. She said that if the Council would like to see more about how competition is effective, she would be happy to provide the information. In terms of the group buy, she said this would minimize the "paralysis by analysis" problem that grips people when they face so many choices they make no decision at all. In addition, the group buy can reduce the cost of the assessment by up to 60% and solar costs up to 25-30%. Furthermore, she said, solar people are attracted because it's something people can see, as opposed to insulation and other behind-the-scenes energy-efficiency improvements.

- d) #6 – Notice that the Town Council approved a pilot "Model Plane Flying" Program on the Town Center softball field

In response to Vice Mayor Derwin's inquiry, Ms. Howard said that the signs have been posted in four locations, but apparently no pilots have flown planes yet. Councilmember Toben said that he considers the tone of the language on the signs "unnecessarily aggressive." He cited Rule 2 as an example, "Non-flyers stay off the field during flight operations." He would prefer something softer.

ADJOURNMENT [9:25 p.m.]

Mayor

Town Clerk

TOWN COUNCIL / PLANNING COMMISSION SPECIAL JOINT MEETING NO. 829 OCTOBER 5, 2011

Mayor Driscoll called the meeting to order at 7:35 p.m. and led the Pledge of Allegiance. Ms. Howard called the roll.

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

Planning Commissioners Denise Gilbert, Arthur McIntosh and Alexandra Von Feldt; Vice Chair Leah Zaffaroni; Chair Nate McKitterick

Absent: None

Others: Angela Howard, Town Manager
Sharon Hanlon, Town Clerk
Sandy Sloan, Town Attorney
Tom Vlastic, Town Planner
George Mader, Planning Consultant

ORAL COMMUNICATIONS

Giving Town Historian Nancy Lund accolades for her role in the Portola Valley School District 150-year celebration event on Sunday, October 2, 2011, Ms. Howard said that Ms. Lund is recovering from a fall during the celebration, in which she sustained a bump on the head and a broken clavicle.

CONSENT AGENDA [7:36 p.m.]

- (1) Approval and Acceptance of revised letter to San Mateo County regarding the lower Alpine Road C-1 Trail [*removed from Consent Agenda*]

Mayor Driscoll recused himself.

REGULAR AGENDA

- (1) Approval and Acceptance of revised letter to San Mateo County regarding the lower Alpine Road C-1 Trail

Mr. Mader indicated that after the Town Council decided to maintain a neutral posture on the issue of the C-1 trail, he and Councilmember Wengert were tasked with writing a letter for the Council to consider sending to San Mateo County. When this came to the attention of Steve Schmidt, Mr. Mader said, Mr. Schmidt wrote to ask why the Town kept showing a path that is no longer on the County plan. As it turned out, Mr. Schmidt was talking about a plan of C/CAG, a cross-jurisdictional entity that also serves as a funding advisory body. Adopted in early September 2011, the C/CAG plan does not show a bike path in the area of the longstanding Dwight Crowder Path (from the Town boundary at Ladera to Arastradero Road). When Mr. Mader discussed this with C/CAG, he said, he was told that it doesn't meet C/CAG's standard for a bike path (eight feet of pavement with two-foot shoulders). Nor does the asphalt path that goes from the Town boundary to Junipero Serra Boulevard meet the standard, Mr. Mader said. However, he added, the official General Plan adopted by the San Mateo County Board of Supervisors does show a bike path all the way from Portola Road, along Alpine Road to Junipero Serra Boulevard.

Mr. Mader also reported a bit of what took place at a San Mateo County-sponsored meeting on the issue on October 4, 2011. It was held at the Ladera Oaks Swim and Tennis Club. He said that San Mateo County Assistant County Manager Dave Holland went over his draft recommendation to the San Mateo County Board of Supervisors, which was based on two prior public meetings, a field trip and all related correspondence: His draft read: "Staff is recommending that your Board request that Stanford University

agree to extend the offer by two years, as permitted in the original agreement, and accept Stanford's offer on the conditions that 1) the County complete design, any necessary environmental and engineering reports to be funded by Sanford; 2) following completion, those reports be made publicly available, that staff conduct public meetings in the Ladera/Stanford Weekend Acres together anyway; 3) the Board retain the right to not proceed with the construction of the trail, and that Stanford reimburse the County for any County expenses related to the project, then returning the remaining funds to Santa Clara County." So, Mr. Mader concluded, it's a two-step process – first, doing a design and evaluating it under CEQA and then, second, the County decides to go forward or not. If the County decides not to go forward, the funds revert to Santa Clara County.

As Mr. Mader explained, Mr. Holland said the recommendation will stand as is unless other information comes in that causes it to be modified.

Mr. Mader said that the notion that Stanford really wants to widen Alpine Road to four lanes also came up at the meeting. He recalled that the Environmental Impact Report (EIR) showed no traffic increase on Alpine Road would result from the Stanford Medical Center project. Although Portola Valley challenged that conclusion, the reason put forth in the traffic study was that they're proposing alternate means, including providing free CalTrain passes and other inducements to get people out of their cars. Although widening the road and the alternatives proposed tend to contradict one another, he said, the reality is that it isn't a workable situation as it stands.

If San Mateo decides not to proceed with the trail after the first phase, Councilmember Richards asked what would happen to the funds. Mr. Mader said the balance of funds not already spent in the first phase would revert to Santa Clara County.

In response to a question from Vice Mayor Derwin, Mr. Mader said the San Mateo County Board of Supervisors is expected to make its decision on October 18, 2011. Ms. Howard said that if the Town Council decides to continue the item, it would have to hold the previously scheduled October 12, 2011 meeting, which had been canceled.

Steve Schmidt, Central Avenue, Menlo Park, thanked Councilmember Wengert and Mr. Mader for reviewing his email so carefully and conducting the research necessary to get to the bottom of it, because neither the 2000 nor 2011 C/CAG county-wide comprehensive bike plans showed either proposed or existing bike paths on Alpine Road. He said that he and others had questions about the inconsistencies.

In reviewing the re-drafted Portola Valley letter to San Mateo County that followed the Town Council's meeting of September 28, 2011, he said that he still takes issue with some portions:

Quoting from the end of the first paragraph, he read, ". . . the Council voted to take a 'neutral' position since the area affected is not within the Town limits and is a decision for San Mateo County to make." Portola Valley took a position on the Cargill Project, he said, which he was glad to see because it could be of interest to everyone in the County. He said, too, that the Town has every right to make a recommendation on a project that occurs outside of its jurisdiction – and actually at least part of this project is within its planning area. An even better reason for a neutral position, Mr. Schmidt stated, would be that the fact of the very mixed sentiments about the lower Alpine Road trail that he's heard expressed in all of the meetings he's attended.

As Mr. Schmidt indicated, point 3 in the re-drafted letter, states, "The present trail presents significant safety and environmental concerns." It may or may not be a minority view, Mr. Schmidt said, that this proposal presents some very serious safety and environmental problems, but in either instance a better explanation for neutrality would be the ambiguity of public sentiment from very well-informed people on both sides of the issue. He said that Portola Valley could not say that it's representing consensus except perhaps consensus on the part of the Town Council. Thus, Mr. Schmidt recommends sending no letter at all, which would really be the neutral thing to do.

Jon Silver, Portola Road, said he agrees with much of what former mayor Schmidt just said. He also wanted to distinguish between what he calls "process" and "position." On the merits of the bigger issue, he said, he's spoken out already. When he first saw the re-drafted letter, he said, he thought it broke faith with what was discussed at the September 28, 2011 Council meeting. Seeing the word "neutral" in quotes suggested that the word wasn't being used in its usual meaning, he stated, although he acknowledged that was not the intent. He said he felt that without saying so, the letter endorsed the project. Historically, he said, when the Town expresses a position, the position has represented a consensus or virtual consensus. He mentioned two examples – recently, the Cargill Project, and a nuclear-freeze issue that was on the ballot in the 1980s. He said that at the September 28, 2011 meeting of the Town Council, he heard consensus from Stanford Weekend Acres residents against the lower Alpine Road trail and in favor of a Regional Trails Grants Program. He said from Ladera he thought he heard three or four speakers favoring the Stanford proposal and two against, and from Portola Valley, two against and one in favor of taking a position in support of the Stanford proposal. At this point, Mr. Silver said, either Portola Valley simply shouldn't send a letter or should continue the discussion.

Councilmember Toben said that he'd like to resolve this issue tonight because he believes a resolution is within reach. He said he appreciates the efforts of Councilmember Wengert and Mr. Mader in re-drafting the letter in a fashion he described as "straight down the middle," which is exactly what he said he'd hoped for. In response to Mr. Schmidt's comment about the first paragraph, he said he'd reasoned that Ladera and Stanford Weekend Acres residents are most acutely affected by this proposal, and those in Stanford Weekend Acres the most directly affected as well. He said that he doesn't know how the San Mateo County Board of Supervisors will weigh inputs from various sources when reaching its decision, but he didn't want the Town to take an official position lest it carry disproportionate weight relative to inputs of those who are more acutely or directly affected. Another reason that he supported a neutral position, Councilmember Toben stated, is related to what Mr. Schmidt said about Portola Valley appearing to be divided on the issue. He indicated receipt of strong support of San Mateo County accepting the Stanford funds from thoughtful voices in Portola Valley such as members of the Trails and Paths Committee, a member of the School Board, the incoming new Councilmember and a member of the Sustainability Committee. He also reported receiving equally thoughtful letters of opposition, including some he ordinarily associates with environmental positions. Thus, as a representative of the community, he said, it's tough for him to decide one way or another.

Councilmember Toben stated that he feels strongly that Portola Valley should submit the letter to the San Mateo County Board of Directors, with a revision to the end of the first paragraph per Mr. Schmidt's observations. Councilmember Toben suggested replacing the last sentence with something such as, "At the conclusion of the hearing, the Council voted to take a neutral position, neither endorsing nor opposing the County's acceptance of Stanford's offer." He said that he does not share Mr. Silver's view of the word "neutral" appearing in quotes.

Councilmember Richards agreed that Portola Valley should send a letter to the San Mateo County Board of Supervisors. He said that one thing that still bothers him is that most of the arguments against the trail have been made absent any design. He doesn't understand that, he said, noting that it makes more sense to go ahead with the first phase, and at least have a design to consider. He also said he favors the revised wording that Councilmember Toben recommended for the first paragraph.

Councilmember Wengert said she concurred, and agreed that the change recommended makes it very clear. She said that in re-drafting the letter, she and Mr. Mader were attempting to present a statement of facts and a statement of position relative to the Town Council's view of current conditions within San Mateo County and Portola Valley's sphere of influence that clearly require some attention. The letter states clearly that Portola Valley is neutral relative to this position, but is not standing back and saying that the current trail is acceptable in its current form.

Vice Mayor Derwin said that she had been inclined to recommend that the San Mateo County Board of Supervisors accept the funds for several reasons – having \$10 million plus in private funds for public works, dealing with increasing traffic congestion on lower Alpine Road, and the opportunity to get more people onto their bicycles on serviceable trails and out of their cars. She stated that the letter is an

excellent one, but she agrees with Mr. Schmidt and Mr. Silver that it needs to be sent. Despite her personal opinion, she said, this is a democratic body so we will make a few changes to the language and send the letter, taking a neutral position.

Councilmember Toben moved that the Town Council approve sending the draft letter, as amended per the Council's discussion, to Carole Groom, President of the San Mateo County Board of Supervisors on October 5, 2011. Seconded by Councilmember Richards, the motion carried 3-1-1 (Derwin against, Driscoll abstained).

(2) Welcoming Remarks from Mayor Driscoll [8:03 p.m.]

Mayor Driscoll noted that he asked for this meeting. By way of background, he said that in the 1980s he served on the ASCC and then the Planning Commission, and during that time as well as his first 10 years on the Town Council, he recalled the Planning Commission and the Town Council having joint meetings approximately once a year. As the two most senior bodies in the Town, he said, now we never meet.

As Mayor, he said, he's somewhat of a lightning rod – people call him when they're upset. Sometimes they're upset with the Planning Commission, he said, but he never hears the Planning Commission's side of the story. He said that he's now suggesting that the annual joint meetings resume to discuss issues, priorities and so forth. He also noted that after talking with the Town Attorney and Town Planner, it would be useful to conduct a brief review of roles and responsibilities.

Mr. Vlastic distributed several pages from *Curtin's California Land Use and Planning Law*, a recognized standard reference document. The book, updated annually, covers all aspects of land use and planning law in California in a way that provides a flavor of what needs to be considered and what needs to be done. The pages he handed out include roles of the Planning Commission, Council, staff and even the public meeting process in summary form, and also reflections upon the statutory framework for land-use decisions.

Then Mr. Vlastic briefly reviewed the framework of Portola Valley's land-use planning, as a starting point for tonight's conversation. Under State planning law, he said that the Town is required to adopt a General Plan and implement it using various tools, such as the Zoning Ordinance, the Subdivision Ordinance and other ordinances that are appropriate to the Town's conditions, such as the Site Development Ordinance. Mr. Vlastic explained that State law also requires the Town to have a planning agency to implement the basic policies, judgments and standards in the General Plan. While the law provides some flexibility in how that agency is organized in terms of form and function, Portola Valley elected to establish a Planning Commission to carry out the basic responsibilities that the State requires. In turn, the Planning Commission – with Town Council approval – has assigned certain grading and design-review responsibilities within the Zoning Ordinance to the ASCC. That role also is specified in the Zoning and Site Development Ordinance.

As Mr. Vlastic explained, the State-mandated requirements for local planning, including adoption of the General Plan and the appropriate implementing ordinances, incorporate powers granted by the State Constitution. Furthermore, he added, the implementing regulations must be consistent with the General Plan, which in turn must be developed within the authority and specific requirements of State planning law. Thus, he pointed out, the General Plan has become a critical document.

In terms of the role of the Town Council, Mr. Vlastic said that it must set Town land-use policy within the General Plan, specifically adopt the General Plan and any amendments pursuant to specific public hearing requirements that are not only set forth in State law but also codified in the Town Zoning Ordinance. The Town Council also adopts the specific implementing ordinances, he added. These ordinances must be consistent with any specific State law provisions as well. For instance, Mr. Vlastic said, Portola Valley's Subdivision Ordinance is driven by the State Subdivision Map Act.

As the Town's planning agency, the Planning Commission is responsible for making recommendations to the Town Council in regard to all of these laws and regulations, as well as proposed amendments to the General Plan. Once the Town Council adopts these documents, the burden for ensuring their implementation falls upon the Planning Commission.

According to Mr. Vlastic, in the mid-1960s, shortly after Portola Valley's incorporation, the Town Council and Planning Commission worked cooperatively to develop the original General Plan, and over the years, amendments to the plan and implementing ordinances.

With regard to the specific responsibilities of the Planning Commission, he said, it implements the General Plan by defining particular Zoning, Subdivision and Site Development Ordinances, and acting on their specific applications – conditional use permits, variances, subdivisions, site development permits where grading exceeds 1,000 cubic yards, exceptions to the ordinances and deviations from Town policy relative to land-movement potential. In dealing with these applications, he explained, the Planning Commission – by State law – must hold public hearings, and based on the record associated with the hearings, find whether a proposal is consistent with specific ordinance provisions and the General Plan. In addition, the Planning Commission must determine whether an application conforms with the California Environmental Quality Act (CEQA), which also requires findings of consistency with local plans and regulations.

Thus, the decision-making framework within which the Planning Commission works and by which it's bound is extremely detailed, Mr. Vlastic said. He noted that it requires the public hearing review process, stems from authority granted in State law and typically is based on input from staff and various committees. Furthermore, detailed analysis is required to create a record associated with any action, which is particularly important in the event someone challenges a Planning Commission action. He said that it's also important to understand that during the course of any application review, if substantial new data is provided or the application changes, the Town is bound to consider whether re-notification is appropriate and what additional evaluation may be warranted.

In addition to application actions, Mr. Vlastic pointed out that the Planning Commission periodically considers needs for changes to the General Plan and ordinances. Certain actions go to the Town Council in the form of recommendations, on which the Council takes final action. As for appeals, any land-use action by staff or the ASCC can be appealed to the Planning Commission, which sits as a Board of Adjustment in those cases. Any action by the Planning Commission to approve or deny a project, or on appeal of staff or ASCC action, can be appealed to the Town Council. Appeal provisions are set forth in the Zoning Ordinance.

Mr. Vlastic emphasized that General Plan consistency has become a very complicated, significant issue. Up until 1971, the General Plan served as an advisory document only. After that, however, court cases and State law changes mandated that all land-use decisions be consistent with the General Plan. At the same time, requirements for General Plans spelled out in guidelines published by the State Office of Planning & Research have become far more complicated. He noted what Portola Valley faced in terms of having its General Plan's Housing Element certified as an example.

(3) Overview of Council / Planning Commission / Liaison roles from Town Attorney Sloan

Building on what Mr. Vlastic said, Ms. Sloan pointed out that cities make legislative decisions in enacting new laws and quasi-judicial decisions. In Portola Valley's case, the Planning Commission primarily makes quasi-judicial decisions, while the Town Council makes new laws. A quasi-judicial decision involves looking at the laws in effect – typically the Zoning Ordinance or Site Development Ordinance – and applying those regulations to specific factual situations or applications. Quasi-judicial decisions are required to have hearings with due notice and be based on findings that are set out in the Zoning Ordinance. The findings themselves must be based on facts in evidence. The proceedings of a quasi-judicial hearing must be fair; under the law, "fair" means that interested parties have a right to receive notice of the proceedings. "Interested parties," including the applicant(s) and those who live within 500 feet of the project, must receive notice. Any interested parties, regardless of proximity to a project, have

the right to speak. On top of those rules, the Brown Act gives any citizen a right to speak on any topic. Another aspect of fairness is that everyone has a right to be heard and not have a decision made outside of the hearing. The decisions must be impartial and based on what is presented at the hearing. Putting all of those factors together adds up to "due process."

As Ms. Sloan sees it, applicants sometimes seem to forget that when they apply for a permit, the due process proceedings and the Brown Act make for a three-party process. It's not like a negotiation between a buyer and seller in real estate; rather, it's a process that pulls together the public agency, the applicant(s) and the public.

Ms. Sloan also talked about "ex parte" communications – communications outside a hearing. Citizens, applicants, neighbors, opponents all have the right to speak to their Planning Commissioners, their Mayor, their Councilmembers – especially Councilmembers, as the elected officials. She said that while Councilmembers have a right, perhaps even an obligation to listen, they also have a responsibility to avoid making any decision or even any indication of a decision, until the hearing takes place and all the evidence has been presented. The applicant, likewise, has an obligation to avoid going around telling everyone what everyone else heard. Furthermore, Ms. Sloan said, any ex parte communications should be reported for the record – not necessarily every detail, but one that was met or communicated with a citizen should be mentioned so that other people can learn about it.

Another facet of due process, she said, is that Councilmembers in a liaison capacity – especially with the Planning Commission – should remember that their role is to listen and report on what happened. All Councilmembers, she added, are expected to remain neutral until a matter comes to the Council. She said one never knows what will be appealed and what won't.

Commissioner McIntosh asked whether Councilmember's should avoid expressing an opinion at a Planning Commission meeting, even if the Planning Commission wants to hear them. Ms. Sloan said that is correct; they should not, when the Planning Commission is acting in a quasi-judicial capacity. She would prefer they keep their opinions to themselves even when it's a legislative issue because it's a bad habit, but it's most important to avoid commentary in quasi-judicial situations. Examples of legislative issues she mentioned were the C-1 Trail, the Housing Element and other amendments to the General Plan.

Chair McKitterick said that the very act of deliberation in a body deserves respect, and he always makes a practice of saying that he wants to hear from fellow Commissioners on an issue. He agrees that it's important to avoid giving the impression of pre-judgment in a quasi-judicial hearing. Ms. Sloan said that he made a good point. She said that Portola Valley is good at working things out well with people as they go through the process, and thus there aren't a lot of appeals and a lot of angry people. One factor that has helped in that regard, she added, is that the Council sets up subcommittees to handle difficult situations. At the same time, she said, these subcommittees can't put themselves in making any final decisions.

In response to a question from Mayor Driscoll, Ms. Sloan said that a subcommittee doesn't create an ex parte situation. It does, she said, but ex parte communications in themselves are not wrong – what's important is that the subcommittee isn't making a decision and avoids talking about the merits of a particular application or situation.

In addition to listening to applicants outside a meeting, Commissioner Von Feldt asked whether it's appropriate to approach applicants for clarification on issues. In response, Ms. Sloan clarified that it's Councilmembers in particular who have an obligation to listen to constituents rather than Commissioners. If Commissioners want clarification on an issue, she said, it would be better to go through staff than to approach the applicant directly. Ms. Sloan said that she's spent a lot of time with planning staffs, and Portola Valley's is excellent.

In response to Vice Chair Zaffaroni, Ms. Sloan said that it isn't a violation of the Brown Act to talk to citizens, including applicants, outside of meetings.

Considering that staff has considerable discretion before a matter comes to the Planning Commission for review or a hearing, Chair McKitterick asked where checks on staff are built into the process. He said, for example, that an applicant might consider the cost of complying with a staff request unreasonable, or complain about not being able to get on the hearing calendar for two months due to staff requirements. Under such circumstances, he wanted to know what the applicant's options are. Ms. Sloan said that the applicant could go to the Town Manager, who essentially supervises the planners, or to a Councilmember, who could inquire about the process. If the applicant has an attorney, the attorney would call her, Ms. Sloan said, which can be very useful. In fact, with a complex application, she said she appreciates it if the applicant has an attorney. In response to Chair McKitterick, she said the applicant also could contact the Planning Commission Chair.

Mr. Vlastic pointed out that most of the issues that need follow-up in some detail come through the preliminary review, a step that the Town added to the application processing procedure about 15 years ago. Often, the scope of issues are articulated during that review – or at least alluded to in the discussion. That presents an opportunity for the Commission as a body to indicate whether staff is requesting either too much or not enough of an applicant. After that, he said, staff also solicits input from various committees, and sometimes schedules a second preliminary review if the volume of additional information warrants it.

(4) Discussion: Effective and Ongoing Communications between Council and Planning Commission

Jon Silver, Portola Road, raised several points. 1) Could applicants who feel they're being treated unfairly formally ask either the Town Council or the Planning Commission to overrule staff? 2) To avoid ex parte communications when he was on the Planning Commission, he made a practice of letting citizens know that he would give them ample opportunity to speak on the record. 3) Recommendations from the Planning Commission regarding legislative matters are critical; even if the rules about fairness may not be as tight as they are in quasi-judicial proceedings. 4) He was pleased to hear the clarification about subcommittees. 5) When democracy works best, ideas from different people build on one another – it's a perfect illustration of the whole being more than the sum of the parts. He said that's the magic of democracy, despite how messy the process is.

Thomas Fogarty, Alpine Road, speaking on behalf of his family's business, Thomas Fogarty Winery, said that his father probably was one of the people who called Mayor Driscoll about the Planning Commission. While he said that he isn't sure he agrees with his father on all points, he said, the family came to the Town asking for some revisions in the winery's use permit about three years ago. He said that he didn't think the requests were unreasonable, nor did he believe the Planning Commissioners thought so. Yet, he said, it took well over a year to complete the process, and the cost of requirements imposed by the Planning Commission totaled about \$20,000. Factoring in the loss of productivity of six staff members and loss of revenue incurred in going 18 months without the slightly extended curfews brought the total closer to \$100,000, he said. Even now, he said, they remain dissatisfied with the curfew, and it won't be too long before they come back requesting another amendment to the use permit. He said he hopes it will be achievable without so much "silliness."

Chair McKitterick asked Mr. Fogarty what could have been done differently to make him feel better about the process. Mr. Fogarty said that it could have taken a lot less time, and that his father felt they were bullied into adding blinds, planting a foliage screen, etc. He said that the foliage screen has been problematic, because leaves get in with the grapes when they harvest on blustery days. It was a "giant hassle," he said. Although his father agreed to do those things, he said, they would have preferred to avoid all of that. He said that he didn't think the process represented democracy at its most efficient.

Linda Elkind, Hawkview Street, thanked Ms. Sloan and Mr. Vlastic for their reviews. The things that stand out for her, she said, concern consistency with the General Plan and the Planning Commission's role as a quasi-judicial body, considering the needs, comments and input from throughout the community. She said that when she served on the Planning Commission, her primary concern was to look at the benefit of each project in terms of the community as a whole, and the best way to evaluate that benefit is to listen to neighbors and others in the community. She said that sometimes issues and ideas come up in response

to comments, whether from the applicant or members of the public. She said that she'd hate to see the process changed in a way that would compromise the ability of Commissioners – and Councilmembers – to respond to community needs.

In terms of the Planning Commission's responsibilities for implementing the General Plan, Mayor Driscoll asked to what extent the Planning Commission may in effect negotiate with the terms of the General Plan – for example, introducing new elements to an application in exchange for concessions in interpretation of the General Plan. To reiterate her prior statement, Ms. Sloan first said that the Planning Commission applies General Plan policies and the regulations in the Zoning Ordinance to specific factual situations, which, she said, differs slightly from "implementing" the General Plan. Over the 30 years she's been practicing law, Ms. Sloan said, more and more she sees development as a negotiation. The quasi-judicial matters – such as subdivisions, site development permits, use permits, variances, etc. Certain findings must be made, and they must fit into the community and its conditions. Those conditions sometimes become subject to negotiation, she added. Still, however, the law constrains the kinds of conditions that can be imposed, she explained – they must be reasonably related to the subject of the permit. As applicants have challenged conditions, the whole theory of nexus has emerged, which is the legal term for this relationship. According to Ms. Sloan, two primary cases about nexus came down from the U.S. Supreme Court. The first says there must be a subject matter nexus (Nollan); the second says that it must be proportional (Dolan).

As Mayor Driscoll recalled, Dr. Fogarty felt there was no nexus between what he was requesting and what was suggested to address it. Because it involves a past action, Ms. Sloan said she could use that as an example. If the applicant wanted to extend his curfew but it would create light and noise issues, it would be reasonable to have conditions related to window blinds and trees shielding the light, and to prohibit use of a microphone or loudspeakers after a certain time, etc. At one point, a question came up about whether the Fogartys could be required to add a public trail in exchange for longer hours, and Ms. Sloan said no – that there's no nexus between a trail and hours of operation.

Vice Chair Zaffaroni said that the Portola Valley Municipal Code contains a rather long list of potential conditional use permit conditions that the Planning Commission has discretion to consider, including, for example, street dedication, trail easements and open-space preservation. She asked Ms. Sloan to further explain the nexus issue in light of these specifically authorized types of conditions. Ms. Sloan suggested that it's important to review that list in the context of California case law, and also noted that 1) the Municipal Code is old and 2) the conditions on the list are suggestions that would be reasonable in some cases. She said, for example, that when the Blue Oaks Subdivision was approved, there was a reasonable nexus with conditions that required public trails and a certain amount of open space, because the development was bringing 36 housing units into an area that previously had been all open space.

Because there won't be a specific nexus in each situation, Vice Chair Zaffaroni asked how the Planning Commission could determine whether a nexus exists for a specific set of facts in an application the Commission is considering. In general, Ms. Sloan said, an applicant who wants to put in a subdivision can be asked to widen the street and put in a new sidewalk, for instance. If the application is for a new home, however, it would not be proportional to ask for the street to be widened, she said. Ms. Sloan said that probably the best alternative if the Planning Commission finds itself struggling is to ask Mr. Vlasic to ask her or to ask her themselves, in which she might be able to provide helpful case examples.

Even before the preliminary review stage, Mr. Vlasic said, staff might look at a project within the context of the Zoning Ordinance, try to anticipate a discussion with the Planning Commission and consult Ms. Sloan. If a project would likely have a major impact on traffic, for example, he said, there may well be an appropriate nexus with a road improvement or widening. Ms. Sloan agreed with Vice Chair Zaffaroni's observation that normally it would be up to staff to meet with the applicant and negotiate mitigations in such situations.

Ms. Sloan said that a good example of a complicated use permit that involved extensive negotiation was The Priory. She recalled five or six meetings to discuss, among other things, the Town's use of The Priory's facilities in exchange for the student body increase.

Mr. Vlasic said that among the first thing staff does when an applicant submits a request for an amendment to a conditional use permit is to examine existing conditions, compliance with those conditions and whether there are any problems. If there are problems, the application may be incomplete or may require modifications. He said that staff has undertaken regular reviews of CUPs, in fact, to avoid finding itself in the difficult position of finding problems with an existing CUP when an applicant comes in with a request to amend it.

In terms of the proportional aspect of the nexus, Mayor Driscoll asked whether that also applies to comments from the public. For example, he said, if a distant neighbor to the Fogartys had complained about noise and light, would that be given as much weight as the comments of an adjacent neighbor? Ms. Sloan said that would be a judgment call. While common sense would suggest paying closer attention to the adjacent neighbor, it would be appropriate to consider other comments proportional to the reasonable impacts.

Councilmember Richards asked whether there's a process whereby an applicant can get an "extra hearing" before a matter goes to appeal. Ms. Sloan said that there probably are situations in which an applicant can press the Planning Commission so that they can appeal, but there is no mechanism by which they can go directly to the Town Council otherwise. Sometimes, Mr. Vlasic added, people have used the Oral Communications period on the Town Council agenda to raise issues they want the Council to look into.

Councilmember Toben said that he can imagine a situation wherein an applicant has gone through the process with the Planning Commission, and a new condition comes in at the 11th hour. In that case, he asked, could the applicant request a re-hearing. Ms. Sloan said that would probably be fine if the Planning Commission agrees, in which case the hearing would require re-noticing, etc.

Councilmember Wengert asked whether we've built efficiencies into the process – or failed to do so – in terms of combining Planning Commission and ASCC visits, meetings, site reviews, etc., in an effort to expedite the process. Chair McKitterick said that joint Planning Commission/ASCC site visits have become commonplace. Mr. Vlasic said that particularly when an application involves a homeowners' association, staff tries to schedule at least one meeting that includes an overall presentation to the Planning Commission, ASCC and the HOA. It often takes the form of a preliminary review, he said, in which all parties have the opportunity to talk, react and raise issues.

Mr. Silver asked whether an issue might be opened for a re-hearing at the request of the public, or just the applicant. Ms. Sloan said that once the Planning Commission makes a decision, a member of the public would need to appeal. Mr. Silver said that he believes it's important to have "what's sauce for the goose be sauce for the gander" – that the public should be given the same consideration as the applicant. When he recalled an example from the 1970s of the Town Council revisiting an issue, Ms. Sloan replied that the rules for the Council to reconsider matters differ from those that apply to the Planning Commission. Mr. Vlasic said that with most applications, the matter is typically continued to another meeting if conditions are crafted during the course of a meeting.

Mayor Driscoll said that one thing that sometimes slows the process is when the application itself is incomplete or vague. Also, as Ms. Sloan pointed out, every project must be reviewed in the CEQA context; although some projects are exempt, others require a negative declaration or an EIR. In some cases, she said, applicants question the need for information that CEQA requires, e.g., a biology report.

When Commissioner McIntosh inquired about complaints that prompted this joint meeting, Mayor Driscoll said that his idea was to discuss the issues surrounding those complaints. Noting that hearing complaints is part of what the Mayor does, he said what's important is to contemplate our actions, do a better job of communicating and avoid getting ourselves in trouble. Mayor Driscoll said that he also wanted this meeting to prompt a dialog between Councilmembers and Commissioners.

Vice Chair Zaffaroni, echoing earlier remarks of Commissioner Von Feldt, said that it's very helpful when applications come to the Planning Commission fully developed. If an application keeps evolving, she added, delays in the process aren't the Commission's fault, in that each amendment calls for due attention and additional comment time for affected individuals.

Chair McKitterick said that the minutes of every Planning Commission contain a record of what happened with each application. He added that he stands by everything the Planning Commission has done. The problem, as he sees it, is more a perception that people were caught up in a process that they may not have completely understood up front.

Chair McKitterick recalled a fairly recent application on which staff made an 11th hour change as a result of a committee report that came in just two days before the public hearing. The applicant was upset, and rightly so. Chair McKitterick said that he found out what happened, it was discussed at Commission level, and it worked out. However, as an upshot of that case, he and staff are now communicating more about the processes for certain applications. The stronger emphasis on communication works both ways as well, he pointed out. In terms of accountability Chair McKitterick gave an example of an applicant who wanted staff to prepare a CUP in two days, and because he was informed about it, he was able to explain why it couldn't be done.

Commissioner McIntosh said that clearly, it doesn't serve the applicant when an application is vague and it draws out the process.

Commissioner Gilbert said another time factor is the Planning Commission's need to balance the applicant's desires and the general community's. She said the Commission bends over backwards to ensure they have all the information necessary to achieve that balance.

Councilmember Wengert said that another side of this issue came out in the T-Mobile cell tower situation, in which a Planning Commission ruling was overturned by the Town Council. It's important that the Council communicates with the Planning Commission about the process the Council went through and how it reached a different conclusion. Chair McKitterick noted that the minutes contain that record. Commissioner Von Feldt suggested it might be appropriate for the Town Council liaison to present the information.

Chair McKitterick said that in terms of the controversial applications, there are some issues on which the Planning Commission feels the Town Council should make the ultimate decision as the Town's elected representatives. Mayor Driscoll said that he thinks about the Planning Commission and Town Council roles philosophically, in that he believes the Planning Commission represents the future Portola Valley wants to shape, and the Council represents the current reality. Mayor Driscoll also said that he appreciates hearing an applicant's "grand plan" for a property. The piecemeal approach, he said, leads to creeping toward a Town we don't want to be.

Ms. Elkind said that she believes one of the biggest problems the Planning Commission faces comes with applicants who don't clearly state the full intent of what they want, which leads to a back-and-forth dance between the Commission and the applicant, with the Commissioners trying to be fair but uncertain about what they're dealing with. She recalled a project that "dribbled in" to the Planning Commission when she was a Commissioner that involved only one house. She said it was clear that the project would be a viewshed issue, but the way different requests trickled in and got approved ended up creating problems with a very large retaining wall and other issues. She also said that she believes it's important for the Planning Commission and the Town Council to support staff in the pursuit of information so that applications are as clear and complete as possible.

Mr. Silver said that when he served on the Town Council, before taking a legislative action in which the Planning Commission was involved, there was a practice of going back to the Planning Commission for comment if the Council wanted to make any changes. He acknowledged that it made the process take longer, but there was more assurance of better communication, and he would like to see the additional back-and-forth institutionalized again.

Mayor Driscoll reiterated an earlier point, that he'd like to see the Town Council and Planning Commission have a joint meeting on an annual basis.

WRITTEN COMMUNICATIONS [9:35 p.m.]

(5) Town Council September 30, 2011 Weekly Digest

a) #3 – Memorandum to Town Council from Leslie Lambert regarding Phillips Brooks School Update – September 26, 2011

According to Mike Rantz, Treasurer and member of the Phillips Brooks School Board of Trustees, a parcel of land immediately east of Alpine Inn and Los Trancos Creek in unincorporated Santa Clara County was placed on the market for sale in July 2011. The property had been purchased as an investment. Mayor Driscoll said that this is consistent with what the school told the Town a few years ago.

b) #4 – Email from Sheri Spediacci regarding letter from Brisbane City Councilwoman Sepi Richardson – ABAG Election – September 27, 2011

Vice Mayor Derwin said that she'd be going to the ABAG meeting and voting for Councilwoman Sepi Richardson, who represents San Mateo County on the ABAG Board of Directors, serves as Vice Chair of Finance and Regional Planning Committees, and is running for the position of ABAG Vice President.

ADJOURNMENT [9:40 p.m.]

Mayor Driscoll adjourned the meeting in honor of Steve Jobs, Apple's legendary co-founder, who died today after a long battle against pancreatic cancer.

Mayor

Town Clerk

INVOICE APPROVAL LIST REPORT - DETAIL WITH GL DIST
OCTOBER 12, 2011

Date: 10/07/2011
Time: 11:05 am
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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

MIKE AGOFF	Fall Instructor Fee	12463	10/12/2011	
			10/12/2011	
2341 KEHOE AVENUE	0016		10/12/2011	
SAN MATEO	BOA	45612	10/12/2011	0.00
CA 94403				7,392.00

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4246	Instructors & Class Refunds	7,392.00	0.00

Check No.	45612	Total:	7,392.00
Total for	MIKE AGOFF		7,392.00

ANIMAL DAMAGE MGMT INC	September Pest Control	12422	10/12/2011	
			10/12/2011	
16170 VINEYARD BLVD. #150	804		10/12/2011	
MORGAN HILL	BOA	45613	10/12/2011	0.00
CA 95037	54879			310.00

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

Check No.	45613	Total:	310.00
Total for	ANIMAL DAMAGE MGMT INC		310.00

ARROWHEAD MT SPRING WATER	September Statement	12423	10/12/2011	
			10/12/2011	
P.O. BOX 856158	463		10/12/2011	
LOUISVILLE	BOA	45614	10/12/2011	0.00
KY 40285-6158	0115743876004			127.86

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4336	Miscellaneous	127.86	0.00

Check No.	45614	Total:	127.86
Total for	ARROWHEAD MT SPRING WATER		127.86

AT&T (2)	September Microwave	12424	10/12/2011	
			10/12/2011	
P.O. BOX 5025	877		10/12/2011	
CAROL STREAM	BOA	45615	10/12/2011	0.00
IL 60197-5025				63.72

GL Number	Description	Invoice Amount	Amount Relieved
05-52-4152	Emerg Preparedness Committee	63.72	0.00

Check No.	45615	Total:	63.72
Total for	AT&T (2)		63.72

BANK OF AMERICA	September Statement	12462	10/12/2011	
			10/12/2011	
Bank Card Center			10/12/2011	
P.O. BOX 53155	0022		10/12/2011	
PHOENIX	BOA	45616	10/12/2011	0.00
AZ 85072-3155				1,068.39

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
05-58-4240	Parks & Fields Maintenance	87.52	0.00	
05-64-4308	Office Supplies	-32.46	0.00	
05-64-4311	Internet Service & Web Hosting	9.99	0.00	
05-64-4312	Office Equipment	224.76	0.00	
05-64-4327	Educ/Train: Council & Commissn	250.00	0.00	
05-64-4335	Sustainability	51.47	0.00	
05-64-4336	Miscellaneous	25.00	0.00	
08-64-4335	Sustainability	49.00	0.00	
25-66-4340	Building Maint Equip & Supp	403.11	0.00	

Check No. 45616 Total: 1,068.39
Total for BANK OF AMERICA 1,068.39

BAY AREA PAVING CO	Woodside Highlands M.D.	12425	10/12/2011	
P.O. BOX 6339	567		10/12/2011	
SAN MATEO	BOA	45617	10/12/2011	0.00
CA 94403				23,877.00

GL Number	Description	Invoice Amount	Amount Relieved
90-00-4375	General Expenses	23,877.00	0.00

Check No. 45617 Total: 23,877.00
Total for BAY AREA PAVING CO 23,877.00

BIGGS CARDOSA ASSOC INC	C-1: Ret'g Wall at Ped Bridge	12449	10/12/2011	
865 THE ALAMEDA	746		10/12/2011	
SAN JOSE	BOA	45618	10/12/2011	0.00
CA 95126-3133	59210			440.00

GL Number	Description	Invoice Amount	Amount Relieved
96-00-4528	C-1 Trail	440.00	0.00

Check No. 45618 Total: 440.00
Total for BIGGS CARDOSA ASSOC INC 440.00

BKF	C-1 Civil Eng'g, July-Aug	12448	10/12/2011	
255 SHORELINE DRIVE	2036		10/12/2011	
REDWOOD CITY	BOA	45619	10/12/2011	0.00
CA 94065	11090321			304.74

GL Number	Description	Invoice Amount	Amount Relieved
96-00-4528	C-1 Trail	304.74	0.00

Check No. 45619 Total: 304.74
Total for BKF 304.74

CAL WATER SERVICE CO	Statements, 8/12 - 9/14/11	12426	10/12/2011	
3351 EL CAMINO REAL	0035		10/12/2011	
ATHERTON	BOA	45620	10/12/2011	0.00
CA 94027				9,474.82

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

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4330	Utilities	9,474.82	0.00
		Check No. 45620	Total: 9,474.82
		Total for CAL WATER SERVICE CO	9,474.82

CALIFORNIA BLDG STANDARDS COMM	BSC Report, July-Sept 2011	12458	10/12/2011	
2525 NATOMAS PARK DRIVE	458		10/12/2011	
SACRAMENTO	BOA	45621	10/12/2011	0.00
CA 95833				260.10

GL Number	Description	Invoice Amount	Amount Relieved
05-56-4224	BSA/SMIP Fees	260.10	0.00
		Check No. 45621	Total: 260.10
		Total for CALIFORNIA BLDG STANDARDS C	260.10

CASEY CONSTRUCTION INC	CIP - Storm Drain Portola Rd	12450	10/12/2011	
620 HANDLEY TRAIL	2021		10/12/2011	
EMERALD HILLS	BOA	45622	10/12/2011	0.00
CA 94062	05-457			22,300.00

GL Number	Description	Invoice Amount	Amount Relieved
05-68-4413	CIP Storm Drain Project	22,300.00	0.00
		Check No. 45622	Total: 22,300.00
		Total for CASEY CONSTRUCTION INC	22,300.00

CONTEMPORARY ENGRAVING CO.	Nameplate, Aalfs	12427	10/12/2011	
425 LAMBERT AVE	0191		10/12/2011	
PALO ALTO	BOA	45623	10/12/2011	0.00
CA 94306	29098			32.48

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4308	Office Supplies	32.48	0.00
		Check No. 45623	Total: 32.48
		Total for CONTEMPORARY ENGRAVING CO	32.48

COTTON SHIRES & ASSOC. INC.	August Statement	12428	10/12/2011	
330 VILLAGE LANE	0047		10/12/2011	
LOS GATOS	BOA	45624	10/12/2011	0.00
CA 95030-7218				1,657.50

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4190	Geologist - Charges to Appls	1,657.50	0.00
		Check No. 45624	Total: 1,657.50
		Total for COTTON SHIRES & ASSOC. INC.	1,657.50

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Vendor Address	Vendor Number		Due Date	
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State/Province Zip/Postal	Invoice Number			Check Amount

CSG CONSULTANTS INC	Building Inspection, 8/24 & 25	12429	10/12/2011	
			10/12/2011	
1700 S. AMPHLETT BLVD	622		10/12/2011	
SAN MATEO	BOA	45625	10/12/2011	0.00
CA 94402	020861			1,248.00

GL Number	Description	Invoice Amount	Amount Relieved
05-50-4062	Temp Bldg Inspection	1,248.00	0.00

Check No.	45625	Total:	1,248.00
Total for	CSG CONSULTANTS INC		1,248.00

DEPARTMENT OF CONSERVATION	SMISHMF, July-Sept 2011	12459	10/12/2011	
Division of Administrative			10/12/2011	
801 K STREET MS22-15	0054		10/12/2011	
SACRAMENTO	BOA	45626	10/12/2011	0.00
CA 95814-3531				505.87

GL Number	Description	Invoice Amount	Amount Relieved
05-56-4224	BSA/SMIP Fees	505.87	0.00

Check No.	45626	Total:	505.87
Total for	DEPARTMENT OF CONSERVATIO		505.87

JENNIFER DERENZI-LORMON	Litter Deposit Refund	12460	10/12/2011	
			10/12/2011	
1729 NOE STREET	822		10/12/2011	
SAN FRANCISCO	BOA	45627	10/12/2011	0.00
CA 94131				100.00

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

Check No.	45627	Total:	100.00
Total for	JENNIFER DERENZI-LORMON		100.00

MARIAELENA DIAZ	Litter Deposit, Redwood Grove	12430	10/12/2011	
			10/12/2011	
1336 PALOMA AVENUE	575		10/12/2011	
BELMONT	BOA	45628	10/12/2011	0.00
CA 94002				100.00

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

Check No.	45628	Total:	100.00
Total for	MARIAELENA DIAZ		100.00

DANIEL EDELSTEIN	Community Hall Deposit Refund	12465	10/12/2011	
			10/12/2011	
750 COLEMAN AVENUE	517		10/12/2011	
MENLO PARK	BOA	45629	10/12/2011	0.00
CA 94025				1,000.00

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

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

Check No.	45629	Total:	1,000.00
Total for	DANIEL EDELSTEIN		1,000.00

GIRL SCOUTS	Community Hall Deposit Refund	12466	10/12/2011	
177 BROOKSIDE DRIVE	559		10/12/2011	
PORTOLA VALLEY	BOA	45630	10/12/2011	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.	45630	Total:	100.00
Total for	GIRL SCOUTS		100.00

HARRELL REMODELING	Permit Refund	12433	10/12/2011	
1954 OLD MIDDLEFIELD WAY	582		10/12/2011	
MOUNTAIN VIEW	BOA	45631	10/12/2011	0.00
CA 94043				50.00

GL Number	Description	Invoice Amount	Amount Relieved
05-56-4228	Miscellaneous Refunds	50.00	0.00

Check No.	45631	Total:	50.00
Total for	HARRELL REMODELING		50.00

INTERSTATE TRAFFIC CNTRL	Signage, PW Equipment	12451	10/12/2011	
1700 INDUSTRIAL ROAD, STE B	564		10/12/2011	
SAN CARLOS	BOA	45632	10/12/2011	0.00
CA 94070	137213			1,502.94

GL Number	Description	Invoice Amount	Amount Relieved
05-60-4267	Tools & Equipment	679.90	0.00
20-60-4268	Street Signs & Striping	823.04	0.00

Check No.	45632	Total:	1,502.94
Total for	INTERSTATE TRAFFIC CNTRL		1,502.94

TREENA JOI	Reimb for Insect Day (Nature & Science Comm)	12434	10/12/2011	
500 W. MIDDLEFIELD ROAD	570		10/12/2011	
MOUNTAIN VIEW	BOA	45633	10/12/2011	0.00
CA 94043				68.20

GL Number	Description	Invoice Amount	Amount Relieved
05-52-4163	Science & Nature	68.20	0.00

Check No.	45633	Total:	68.20
Total for	TREENA JOI		68.20

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Vendor Address	Vendor Number		Due Date	
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State/Province Zip/Postal	Invoice Number			Check Amount
LUCY KIM	Reissue Class Refund	12435	10/12/2011	
	(Orig #44582 MIA)		10/12/2011	
PICKUP AT COUNTER	544		10/12/2011	
	BOA	45634	10/12/2011	0.00
				120.00

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4246	Instructors & Class Refunds	120.00	0.00

Check No.	45634	Total:	120.00
Total for	LUCY KIM		120.00

LAUREN E LEE	Sust Intern, 9/13 - 9/26/11	12436	10/12/2011	
			10/12/2011	
2089 QUEENS LANE	0354		10/12/2011	
SAN MATEO	BOA	45635	10/12/2011	0.00
CA 94402	8			645.00

GL Number	Description	Invoice Amount	Amount Relieved
08-64-4335	Sustainability	645.00	0.00

Check No.	45635	Total:	645.00
Total for	LAUREN E LEE		645.00

MAZE & ASSOCIATES	Audit Services Prog Pmt	12437	10/12/2011	
			10/12/2011	
3478 BUSKIRK AVENUE	879		10/12/2011	
PLEASANT HILL	BOA	45636	10/12/2011	0.00
CA 94523	529			6,400.00

GL Number	Description	Invoice Amount	Amount Relieved
05-54-4180	Accounting & Auditing	6,400.00	0.00

Check No.	45636	Total:	6,400.00
Total for	MAZE & ASSOCIATES		6,400.00

BAI NGO	Litter Deposit, Redwood Grove	12432	10/12/2011	
			10/12/2011	
171 BROOKSIDE DRIVE	572		10/12/2011	
PORTOLA VALLEY	BOA	45637	10/12/2011	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.	45637	Total:	100.00
Total for	BAI NGO		100.00

O'GRADY PAVING, INC.	C-1 Trail Construction	12452	10/12/2011	
	Remove Gas Line		10/12/2011	
2513 WYANDOTTE STREET	920		10/12/2011	
MOUNTAIN VIEW	BOA	45638	10/12/2011	0.00
CA 94043	11508			4,500.00

GL Number	Description	Invoice Amount	Amount Relieved
96-00-4528	C-1 Trail	4,500.00	0.00

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State/Province Zip/Postal	Invoice Number			Check Amount

Check No.	45638	Total:	4,500.00
Total for	O'GRADY PAVING, INC.		4,500.00

PACIFIC GEOTECHNICAL ENG'G	C-1 Trail Inspections	12453	10/12/2011	
16055-D CAPUTO DRIVE	737		10/12/2011	
MORGAN HILL	BOA	45639	10/12/2011	0.00
CA 95037	123960,961			5,630.10

GL Number	Description	Invoice Amount	Amount Relieved
96-00-4528	C-1 Trail	5,630.10	0.00

PACIFIC GEOTECHNICAL ENG'G	Ford Field Inspections	12454	10/12/2011	
16055-D CAPUTO DRIVE	737		10/12/2011	
MORGAN HILL	BOA	45639	10/12/2011	0.00
CA 95037	124057			4,202.14

GL Number	Description	Invoice Amount	Amount Relieved
05-54-4214	Miscellaneous Consultants	4,202.14	0.00

Check No.	45639	Total:	9,832.24
Total for	PACIFIC GEOTECHNICAL ENG'G		9,832.24

PG&E	September Statements	12438	10/12/2011	
BOX 997300	0109		10/12/2011	
SACRAMENTO	BOA	45640	10/12/2011	0.00
CA 95899-7300				267.75

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4330	Utilities	267.75	0.00

Check No.	45640	Total:	267.75
Total for	PG&E		267.75

MIRANDA PINKERT	Litter Deposit, Redwood Grove	12431	10/12/2011	
1035 FLORENCE LANE	595		10/12/2011	
MENLO PARK	BOA	45641	10/12/2011	0.00
CA 94025				100.00

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

Check No.	45641	Total:	100.00
Total for	MIRANDA PINKERT		100.00

PORTOLA VALLEY HARDWARE	September Statement	12439	10/12/2011	
112 PORTOLA VALLEY ROAD	0114		10/12/2011	
PORTOLA VALLEY	BOA	45642	10/12/2011	0.00
CA 94028				377.58

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4240	Parks & Fields Maintenance	204.19	0.00

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Vendor Address	Vendor Number		Due Date	
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State/Province Zip/Postal	Invoice Number			Check Amount

05-66-4340	Building Maint Equip & Supp	168.53	0.00	
08-64-4335	Sustainability	4.86	0.00	

Check No.	45642	Total:	377.58
Total for	PORTOLA VALLEY HARDWARE		377.58

SHELTON ROOFING	C&D Refund, 8 Valley Oak	12440	10/12/2011	
			10/12/2011	
1988 LEGHORN	0309		10/12/2011	
MOUNTAIN VIEW	BOA	45643	10/12/2011	0.00
CA 94043				1,000.00

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

Check No.	45643	Total:	1,000.00
Total for	SHELTON ROOFING		1,000.00

SPANGLE & ASSOCIATES	Statement, 8/24 - 9/22	12461	10/12/2011	
			10/12/2011	
770 MENLO AVENUE	0121		10/12/2011	
MENLO PARK	BOA	45644	10/12/2011	0.00
CA 94025-4736				35,396.10

GL Number	Description	Invoice Amount	Amount Relieved
05-52-4140	ASCC	2,364.00	0.00
05-52-4162	Planning Committee	4,727.00	0.00
05-54-4196	Planner	10,976.30	0.00
96-00-4528	C-1 Trail	2,129.70	0.00
96-54-4198	Planner - Charges to Appls	15,199.10	0.00

Check No.	45644	Total:	35,396.10
Total for	SPANGLE & ASSOCIATES		35,396.10

CONNIE STACK	Fall Instructor Fee	12467	10/12/2011	
			10/12/2011	
10127 LAMPLIGHTER SQUARE	648		10/12/2011	
CUPERTINO	BOA	45645	10/12/2011	0.00
CA 95014				1,872.00

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4246	Instructors & Class Refunds	1,872.00	0.00

Check No.	45645	Total:	1,872.00
Total for	CONNIE STACK		1,872.00

STATE COMP INSURANCE FUND	September Premium	12441	10/12/2011	
			10/12/2011	
PO BOX 7980	0122		10/12/2011	
SAN FRANCISCO	BOA	45646	10/12/2011	0.00
CA 94120-7854				2,547.42

GL Number	Description	Invoice Amount	Amount Relieved
05-50-4094	Worker's Compensation	2,547.42	0.00

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State/Province Zip/Postal	Invoice Number			Check Amount

Check No.	45646	Total:	2,547.42
Total for	STATE COMP INSURANCE FUND		2,547.42

THERMAL MECHANICAL, INC	Sept Bi-Monthly Maintenance	12455	10/12/2011	
425 ALDO AVENUE	955		10/12/2011	
SANTA CLARA	BOA	45647	10/12/2011	0.00
CA 95054	PM-49792			1,426.00

GL Number	Description	Invoice Amount	Amount Relieved
05-66-4340	Building Maint Equip & Supp	1,426.00	0.00

Check No.	45647	Total:	1,426.00
Total for	THERMAL MECHANICAL, INC		1,426.00

TOTLCOM, INC.	Labor for Remote Programming	12468	10/12/2011	
65 HANGAR WAY	349		10/12/2011	
WATSONVILLE	BOA	45648	10/12/2011	0.00
CA 95076	204391			75.00

GL Number	Description	Invoice Amount	Amount Relieved
05-66-4346	Mechanical Sys Maint & Repair	75.00	0.00

Check No.	45648	Total:	75.00
Total for	TOTLCOM, INC.		75.00

TOWNSEND MGMT, INC	C-1 Trail, August 2011	12464	10/12/2011	
P.O. BOX 24442	609		10/12/2011	
SAN FRANCISCO	BOA	45649	10/12/2011	0.00
CA 94124	200042-08-11			15,795.00

GL Number	Description	Invoice Amount	Amount Relieved
96-00-4528	C-1 Trail	15,795.00	0.00

Check No.	45649	Total:	15,795.00
Total for	TOWNSEND MGMT, INC		15,795.00

TREE SPECIALIST	Prune Oaks at Town Center	12456	10/12/2011	
1198 NEVADA AVE	839		10/12/2011	
SAN JOSE	BOA	45650	10/12/2011	0.00
CA 95125	07-07-11			2,000.00

GL Number	Description	Invoice Amount	Amount Relieved
05-66-4342	Landscape Supplies & Services	2,000.00	0.00

TREE SPECIALIST	ROW Tree Trim & Fire Safety	12457	10/12/2011	
1198 NEVADA AVE	839		10/12/2011	
SAN JOSE	BOA	45650	10/12/2011	0.00
CA 95125	09-21-11			3,800.00

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4333	Fire Prevention	500.00	0.00

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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

20-60-4264	ROW Tree Trimming & Mowing	3,300.00	0.00	
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Check No.	45650	Total:	5,800.00
Total for	TREE SPECIALIST		5,800.00

YVONNE TRYCE	Fall Instructor Fee	12442	10/12/2011	
			10/12/2011	
90 JOAQUIN ROAD	512		10/12/2011	
PORTOLA VALLEY	BOA	45651	10/12/2011	0.00
CA 94028				2,810.00

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4246	Instructors & Class Refunds	2,810.00	0.00

Check No.	45651	Total:	2,810.00
Total for	YVONNE TRYCE		2,810.00

SIGAL TZOORE	Deposit Refund	12444	10/12/2011	
			10/12/2011	
320 CERVANTES ROAD	561		10/12/2011	
PORTOLA VALLEY	BOA	45652	10/12/2011	0.00
CA 94028				270.77

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4207	Deposit Refunds, Other Charges	270.77	0.00

Check No.	45652	Total:	270.77
Total for	SIGAL TZOORE		270.77

U.S. BANCORP EQUIPMENT FIN INC	October Copier Lease	12446	10/12/2011	
	Annual Property Tax		10/12/2011	
P.O. BOX 790448	472		10/12/2011	
ST. LOUIS	BOA	45653	10/12/2011	0.00
MO 63179-0448	187397286			554.29

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4312	Office Equipment	554.29	0.00

Check No.	45653	Total:	554.29
Total for	U.S. BANCORP EQUIPMENT FIN IN		554.29

VERIZON WIRELESS	September Statement	12469	10/12/2011	
			10/12/2011	
P.O. BOX 9622	0131		10/12/2011	
MISSION HILLS	BOA	45654	10/12/2011	0.00
CA 91346-9622	1016309087			268.31

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4318	Telephones	268.31	0.00

Check No.	45654	Total:	268.31
Total for	VERIZON WIRELESS		268.31

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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

K WELTON	C&D Refund, 14 Franciscan	12445	10/12/2011	
			10/12/2011	
660 KENDALL AVENUE	538		10/12/2011	
PALO ALTO	BOA	45655	10/12/2011	0.00
CA 94306				1,000.00

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

Check No.	45655	Total:	1,000.00
Total for	K WELTON		1,000.00

WILLIAM YOUNG	Deposit Refund, 210 Golden Oak	12443	10/12/2011	
			10/12/2011	
122 ATHERTON AVENUE	552		10/12/2011	
ATHERTON	BOA	45656	10/12/2011	0.00
CA 94027				3,874.75

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4207	Deposit Refunds, Other Charges	3,874.75	0.00

Check No.	45656	Total:	3,874.75
Total for	WILLIAM YOUNG		3,874.75

Total Invoices: 47

Grand Total:	167,015.83
Less Credit Memos:	0.00
Net Total:	167,015.83
Less Hand Check Total:	0.00
Outstanding Invoice Total:	167,015.83

TOWN OF PORTOLA VALLEY
Warrant Disbursement Journal
October 12, 2011

Claims totaling \$167,015.83 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

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

MIKE AGOFF	Fall Class Fee	12505	10/26/2011	
			10/26/2011	
2341 KEHOE AVENUE	0016		10/26/2011	0.00
SAN MATEO	BOA	45693	10/26/2011	0.00
CA 94403				264.00

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4246	Instructors & Class Refunds	264.00	0.00

Check No.	45693	Total:	264.00
Total for	MIKE AGOFF		264.00

ALMANAC	September Advertising	12470	10/26/2011	
			10/26/2011	
PO BOX 1610	0048		10/26/2011	0.00
MENLO PARK	BOA	45694	10/26/2011	0.00
CA 94302				580.00

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4320	Advertising	580.00	0.00

Check No.	45694	Total:	580.00
Total for	ALMANAC		580.00

ALPINE HILLS TENNIS & SWIM	PVSD Anniv. Copies	12471	10/26/2011	
			10/26/2011	
4139 ALPINE ROAD	846		10/26/2011	0.00
PORTOLA VALLEY	BOA	45695	10/26/2011	0.00
CA 94028				200.00

GL Number	Description	Invoice Amount	Amount Relieved
05-52-4147	Picnic/Holiday Party	200.00	0.00

Check No.	45695	Total:	200.00
Total for	ALPINE HILLS TENNIS & SWIM		200.00

AT&T	September Statements	12520	10/26/2011	
			10/26/2011	
P.O. BOX 9011	441		10/26/2011	0.00
CAROL STREAM	BOA	45696	10/26/2011	0.00
IL 60197-9011				239.72

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4318	Telephones	239.72	0.00

Check No.	45696	Total:	239.72
Total for	AT&T		239.72

BALANCE HYDROLOGICS INC.	Springdown Pond, 8/21 - 9/17	12513	10/26/2011	
			10/26/2011	
800 BANCROFT WAY	945		10/26/2011	0.00
BERKELEY	BOA	45697	10/26/2011	0.00
CA 94710-2227	210043-0911			435.00

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

15-68-4414	CIP Spring Down OpSpa Imp	435.00	0.00	
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Check No.	45697	Total:	435.00
<u>Total for</u>	<u>BALANCE HYDROLOGICS INC.</u>		<u>435.00</u>

BRAD BELDNER	Fall Instructor Fee	12473	10/26/2011	
			10/26/2011	
425 STANFORD AVENUE	581		10/26/2011	0.00
PALO ALTO	BOA	45698	10/26/2011	0.00
CA 94306				764.00

GL Number	Description	Invoice Amount	Amount Relieved	
05-58-4246	Instructors & Class Refunds	764.00	0.00	

Check No.	45698	Total:	764.00
<u>Total for</u>	<u>BRAD BELDNER</u>		<u>764.00</u>

MARLON BISHOP	Fall Instructor Fee	12474	10/26/2011	
			10/26/2011	
48 CLINTON STREET	2035		10/26/2011	0.00
REDWOOD CITY	BOA	45699	10/26/2011	0.00
CA 94062				692.00

GL Number	Description	Invoice Amount	Amount Relieved	
05-58-4246	Instructors & Class Refunds	692.00	0.00	

Check No.	45699	Total:	692.00
<u>Total for</u>	<u>MARLON BISHOP</u>		<u>692.00</u>

CITY OF REDWOOD CITY	September IT Services	12475	10/26/2011	
			10/26/2011	
P.O. BOX 3629	586		10/26/2011	0.00
REDWOOD CITY	BOA	45700	10/26/2011	0.00
CA 94064-3629	BR26396			1,831.05

GL Number	Description	Invoice Amount	Amount Relieved	
05-54-4216	IT & Website Consultants	1,831.05	0.00	

Check No.	45700	Total:	1,831.05
<u>Total for</u>	<u>CITY OF REDWOOD CITY</u>		<u>1,831.05</u>

CLEANSTREET	Sept & Quarterly Street Clean	12476	10/26/2011	
			10/26/2011	
1937 W. 169TH STREET	0034		10/26/2011	0.00
GARDENA	BOA	45701	10/26/2011	0.00
CA 90247-5254	65330			4,187.76

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

Check No.	45701	Total:	4,187.76
<u>Total for</u>	<u>CLEANSTREET</u>		<u>4,187.76</u>

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State/Province Zip/Postal	Invoice Number			Check Amount

COMCAST	WiFi Internet 10/21-11/20	12477	10/26/2011	
			10/26/2011	
P.O. BOX 34227	0045		10/26/2011	0.00
SEATTLE	BOA	45702	10/26/2011	0.00
WA 98124-1227				64.90

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4318	Telephones	64.90	0.00

Check No.	45702	Total:	64.90
Total for	COMCAST		64.90

COPYMAT	SOD Postcard for Planning	12478	10/26/2011	
			10/26/2011	
1918 EL CAMINO REAL	0046		10/26/2011	0.00
REDWOOD CITY	BOA	45703	10/26/2011	0.00
CA 94063-2113	63325			204.59

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4310	Town Publications	204.59	0.00

Check No.	45703	Total:	204.59
Total for	COPYMAT		204.59

JEANNETTE FOWLER	Reimb for Art Show	12479	10/26/2011	
			10/26/2011	
10 OHLONE	0300		10/26/2011	0.00
PORTOLA VALLEY	BOA	45704	10/26/2011	0.00
CA 94028				349.57

GL Number	Description	Invoice Amount	Amount Relieved
05-52-4150	Cultural Arts Committee	349.57	0.00

Check No.	45704	Total:	349.57
Total for	JEANNETTE FOWLER		349.57

G. BORTOLOTTI COMPANY	CIP Road at La Honda	12512	10/26/2011	
			10/26/2011	
580 BRAGATO ROAD	0025		10/26/2011	0.00
SAN CARLOS	BOA	45705	10/26/2011	0.00
CA 94070	3943			20,020.00

GL Number	Description	Invoice Amount	Amount Relieved
60-68-4529	CIP11/12 Street Resurface	20,020.00	0.00

Check No.	45705	Total:	20,020.00
Total for	G. BORTOLOTTI COMPANY		20,020.00

JEANNIE GOLDMAN	Fall Instructor Fees	12480	10/26/2011	
			10/26/2011	
741 MANZANITA ROAD	706		10/26/2011	0.00
WOODSIDE	BOA	45706	10/26/2011	0.00
CA 94062				16,318.00

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4246	Instructors & Class Refunds	16,318.00	0.00

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

Check No.	45706	Total:	16,318.00
Total for	JEANNIE GOLDMAN		16,318.00

GRAGG PAVING	Asphalt Berms at Meadowood & Town Center	12514	10/26/2011	
P.O. BOX 5246	730		10/26/2011	0.00
REDWOOD CITY	BOA	45707	10/26/2011	0.00
CA 94063	2063			600.00

GL Number	Description	Invoice Amount	Amount Relieved
20-60-4260	Public Road Surface & Drainage	600.00	0.00

Check No.	45707	Total:	600.00
Total for	GRAGG PAVING		600.00

GUZZARDO PARTNERSHIP INC	C-1 Landscaping Prog Pmt	12515	10/26/2011	
181 GREENWICH STREET	0339		10/26/2011	0.00
SAN FRANCISCO	BOA	45708	10/26/2011	0.00
CA 94111	10544/7			240.00

GL Number	Description	Invoice Amount	Amount Relieved
96-00-4528	C-1 Trail	240.00	0.00

Check No.	45708	Total:	240.00
Total for	GUZZARDO PARTNERSHIP INC		240.00

HILLYARD, INC	Janitorial Supplies	12481	10/26/2011	
P.O. BOX 874338	531		10/26/2011	0.00
KANSAS CITY	BOA	45709	10/26/2011	0.00
MO 64187-4338	691399,6936456,6894018,8218698			2,050.65

GL Number	Description	Invoice Amount	Amount Relieved
05-66-4340	Building Maint Equip & Supp	2,050.65	0.00

Check No.	45709	Total:	2,050.65
Total for	HILLYARD, INC		2,050.65

HORIZON	Fertilizer	12482	10/26/2011	
P.O. BOX 52758	0289		10/26/2011	0.00
PHOENIX	BOA	45710	10/26/2011	0.00
AZ 85072-2758	1N065389			80.70

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4240	Parks & Fields Maintenance	80.70	0.00

Check No.	45710	Total:	80.70
Total for	HORIZON		80.70

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

J.W. ENTERPRISES	Portable Lavs, 10/6 - 11/2	12483	10/26/2011	
			10/26/2011	
1689 MORSE AVE	829		10/26/2011	0.00
VENTURA	BOA	45711	10/26/2011	0.00
CA 93003	158469			223.32

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4244	Portable Lavatories	223.32	0.00

Check No.	45711	Total:	223.32
Total for	J.W. ENTERPRISES		223.32

JORGENSON SIEGEL MCCLURE & FLEGEL	September Statement	12511	10/26/2011	
			10/26/2011	
1100 ALMA STREET	0089		10/26/2011	0.00
MENLO PARK	BOA	45712	10/26/2011	0.00
CA 94025				6,536.75

GL Number	Description	Invoice Amount	Amount Relieved
05-54-4182	Town Attorney	6,224.25	0.00
96-54-4186	Attorney - Charges to Appls	312.50	0.00

Check No.	45712	Total:	6,536.75
Total for	JORGENSON SIEGEL MCCLURE &		6,536.75

SALLIE JORGENSON	Community Hall Deposit Refund	12518	10/26/2011	
			10/26/2011	
501 PORTOLA ROAD, #8019	596		10/26/2011	0.00
PORTOLA VALLEY	BOA	45713	10/26/2011	0.00
CA 94028				1,000.00

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

Check No.	45713	Total:	1,000.00
Total for	SALLIE JORGENSON		1,000.00

KUTZMANN & ASSOCIATES	September Plan Check	12506	10/26/2011	
			10/26/2011	
39355 CALIFORNIA STREET	0090		10/26/2011	0.00
FREMONT	BOA	45714	10/26/2011	0.00
CA 94538				3,483.57

GL Number	Description	Invoice Amount	Amount Relieved
05-54-4200	Plan Check Services	3,483.57	0.00

Check No.	45714	Total:	3,483.57
Total for	KUTZMANN & ASSOCIATES		3,483.57

LAUREN E LEE	Sust. Intern 9/27-10/6/11	12484	10/26/2011	
			10/26/2011	
2089 QUEENS LANE	0354		10/26/2011	0.00
SAN MATEO	BOA	45715	10/26/2011	0.00
CA 94402	9			562.50

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

08-64-4335	Sustainability		562.50	0.00
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Check No.	45715	Total:	562.50
Total for	LAUREN E LEE		562.50

NANCY LUND	Reimb for PVSD-150 Anniv	12485	10/26/2011	
			10/26/2011	
240 GOLDEN HILLS	0241		10/26/2011	0.00
PORTOLA VALLEY	BOA	45716	10/26/2011	0.00
CA 94028				350.00

GL Number	Description	Invoice Amount	Amount Relieved
05-52-4147	Picnic/Holiday Party	350.00	0.00

Check No.	45716	Total:	350.00
Total for	NANCY LUND		350.00

MAZE & ASSOCIATES	Audit Services Prog Pmt	12486	10/26/2011	
			10/26/2011	
3478 BUSKIRK AVENUE	879		10/26/2011	0.00
PLEASANT HILL	BOA	45717	10/26/2011	0.00
CA 94523	658			1,000.00

GL Number	Description	Invoice Amount	Amount Relieved
05-54-4180	Accounting & Auditing	1,000.00	0.00

Check No.	45717	Total:	1,000.00
Total for	MAZE & ASSOCIATES		1,000.00

MTC	2011-12 Access Dues for PMS (Pavement Mgmt Software)	12516	10/26/2011	
			10/26/2011	
101 EIGHTH STREET	741		10/26/2011	0.00
OAKLAND	BOA	45718	10/26/2011	0.00
CA 94607-4700	AR6507			1,250.00

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4322	Dues	1,250.00	0.00

Check No.	45718	Total:	1,250.00
Total for	MTC		1,250.00

MUNICIPAL CODE CORPORATION	Online Host Fee, Muni Code	12507	10/26/2011	
			10/26/2011	
P.O. BOX 2235	788		10/26/2011	0.00
TALLAHASSEE	BOA	45719	10/26/2011	0.00
FL 32316	210586			400.00

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4311	Internet Service & Web Hosting	400.00	0.00

Check No.	45719	Total:	400.00
Total for	MUNICIPAL CODE CORPORATION		400.00

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

JON MYERS	Reimb for PV Soccer League	12487	10/26/2011	
			10/26/2011	
4540 ALPINE ROAD	900		10/26/2011	0.00
PORTOLA VALLEY	BOA	45720	10/26/2011	0.00
CA 94028				1,200.00

GL Number	Description	Invoice Amount	Amount Relieved
05-52-4160	Parks & Rec Adult Sports	1,200.00	0.00

Check No.	45720	Total:	1,200.00
Total for	JON MYERS		1,200.00

O'GRADY PAVING, INC.	C-1 Trail Progress Pmt	12488	10/26/2011	
			10/26/2011	
2513 WYANDOTTE STREET	920		10/26/2011	0.00
MOUNTAIN VIEW	BOA	45721	10/26/2011	0.00
CA 94043	11595			253,741.95

GL Number	Description	Invoice Amount	Amount Relieved
96-00-4528	C-1 Trail	253,741.95	0.00

Check No.	45721	Total:	253,741.95
Total for	O'GRADY PAVING, INC.		253,741.95

BILL PICKERING	Facility Deposit Refund	12489	10/26/2011	
			10/26/2011	
280 FAMILY FARM ROAD	0244		10/26/2011	0.00
WOODSIDE	BOA	45722	10/26/2011	0.00
CA 94062				500.00

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

Check No.	45722	Total:	500.00
Total for	BILL PICKERING		500.00

PORTOLA VALLEY PTO	Advertising/PVSD Student Dir	12504	10/26/2011	
			10/26/2011	
4575 ALPINE ROAD	572		10/26/2011	0.00
PORTOLA VALLEY	BOA	45723	10/26/2011	0.00
CA 94028				200.00

GL Number	Description	Invoice Amount	Amount Relieved
08-64-4335	Sustainability	200.00	0.00

Check No.	45723	Total:	200.00
Total for	PORTOLA VALLEY PTO		200.00

BARBARA POWELL	Reimb for Employee Svc Award	12501	10/26/2011	
			10/26/2011	
290 PARKSIDE DRIVE	676		10/26/2011	0.00
PALO ALTO	BOA	45724	10/26/2011	0.00
CA 94306				78.12

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4336	Miscellaneous	78.12	0.00

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

Check No.	45724	Total:	78.12
Total for	BARBARA POWELL		78.12

DIANA RAINES	Reimb for PVSD Anniversary	12490	10/26/2011	
			10/26/2011	
4205 ALPINE ROAD	0186		10/26/2011	0.00
PORTOLA VALLEY	BOA	45725	10/26/2011	0.00
CA 94028				17.85

GL Number	Description	Invoice Amount	Amount Relieved
05-52-4147	Picnic/Holiday Party	17.85	0.00

Check No.	45725	Total:	17.85
Total for	DIANA RAINES		17.85

SALLY ANN REISS	Deposit Refund	12491	10/26/2011	
			10/26/2011	
145 GOLDEN OAK DRIVE	551		10/26/2011	0.00
PORTOLA VALLEY	BOA	45726	10/26/2011	0.00
CA 94028				12,083.66

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4207	Deposit Refunds, Other Charges	12,083.66	0.00

Check No.	45726	Total:	12,083.66
Total for	SALLY ANN REISS		12,083.66

RON RAMIES AUTOMOTIVE, INC.	September Fuel and Repair	12492	10/26/2011	
		00005966	10/26/2011	
115 PORTOLA ROAD	422		10/26/2011	0.00
PORTOLA VALLEY	BOA	45727	10/26/2011	0.00
CA 94028	36815			1,731.08

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4334	Vehicle Maintenance	1,731.08	0.00

Check No.	45727	Total:	1,731.08
Total for	RON RAMIES AUTOMOTIVE, INC.		1,731.08

SAN MATEO CO INF SERVICES	September Microwave	12493	10/26/2011	
			10/26/2011	
455 COUNTY CENTER, 3RD FLOOR	0307		10/26/2011	0.00
REDWOOD CITY	BOA	45728	10/26/2011	0.00
CA 94063	1YPV11109			76.00

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

Check No.	45728	Total:	76.00
Total for	SAN MATEO CO INF SERVICES		76.00

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

SAN MATEO SHERIFF	1st Qtr Law Enforcement	12494	10/26/2011	
OFFICE OF EMERGENCY SERVICES			10/26/2011	
400 COUNTY CENTER	0119		10/26/2011	0.00
REDWOOD CITY	BOA	45729	10/26/2011	0.00
CA 94063-0978	8929			209,575.00

GL Number	Description	Invoice Amount	Amount Relieved
05-62-4282	San Mateo County Sheriff's Ofc	149,536.25	0.00
30-62-4284	COPS Addl Traffic Patrols	60,038.75	0.00

Check No.	45729	Total:	209,575.00
Total for	SAN MATEO SHERIFF		209,575.00

SHARP BUSINESS SYSTEMS	August Copies	12495	10/26/2011	
			10/26/2011	
DEPT. LA 21510	0199		10/26/2011	0.00
PASADENA	BOA	45730	10/26/2011	0.00
CA 91185-1510	C712873-541			11.53

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4308	Office Supplies	11.53	0.00

Check No.	45730	Total:	11.53
Total for	SHARP BUSINESS SYSTEMS		11.53

SHELTON ROOFING	C&D Deposit Refund	12496	10/26/2011	
			10/26/2011	
1988 LEGHORN	0309		10/26/2011	0.00
MOUNTAIN VIEW	BOA	45731	10/26/2011	0.00
CA 94043				1,000.00

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

Check No.	45731	Total:	1,000.00
Total for	SHELTON ROOFING		1,000.00

SILICON VALLEY REALTORS	Field Use Deposit Refund	12500	10/26/2011	
			10/26/2011	
19400 STEVENS CREEK BLVD.	782		10/26/2011	0.00
CUPERTINO	BOA	45732	10/26/2011	0.00
CA 94014				500.00

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

Check No.	45732	Total:	500.00
Total for	SILICON VALLEY REALTORS		500.00

BRANDY STROH	Fall Instructor Fee	12508	10/26/2011	
			10/26/2011	
25 SADDLEBACK	2023		10/26/2011	0.00
PORTOLA VALLEY	BOA	45733	10/26/2011	0.00
CA 94028				100.00

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

05-58-4246	Instructors & Class Refunds	100.00	0.00	
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Check No.	45733	Total:	100.00
Total for	BRANDY STROH		100.00

SHELLY SWEENEY	Fall Instructor Fee	12509	10/26/2011	
			10/26/2011	
285 GRANDVIEW DRIVE	407		10/26/2011	0.00
WOODSIDE	BOA	45734	10/26/2011	0.00
CA 94062				2,736.00

GL Number	Description	Invoice Amount	Amount Relieved	
05-58-4246	Instructors & Class Refunds	2,736.00	0.00	

Check No.	45734	Total:	2,736.00
Total for	SHELLY SWEENEY		2,736.00

THE POLLOCK CORPORATION	Deposit Refund	12502	10/26/2011	
			10/26/2011	
150 PORTOLA ROAD	575		10/26/2011	0.00
PORTOLA VALLEY	BOA	45735	10/26/2011	0.00
CA 94028				136.20

GL Number	Description	Invoice Amount	Amount Relieved	
96-54-4207	Deposit Refunds, Other Charges	136.20	0.00	

Check No.	45735	Total:	136.20
Total for	THE POLLOCK CORPORATION		136.20

TOWNSEND MGMT, INC	Aug & Sept Applicant Charges	12497	10/26/2011	
			10/26/2011	
P.O. BOX 24442	609		10/26/2011	0.00
SAN FRANCISCO	BOA	45736	10/26/2011	0.00
CA 94124				1,235.00

GL Number	Description	Invoice Amount	Amount Relieved	
96-54-4194	Engineer - Charges to Appls	1,235.00	0.00	

Check No.	45736	Total:	1,235.00
Total for	TOWNSEND MGMT, INC		1,235.00

TURF & INDUSTRIAL EQUIPMENT CO	Battery for Mower	12519	10/26/2011	
			10/26/2011	
2715 LAFAYETTE STREET	513		10/26/2011	0.00
SANTA CLARA	BOA	45737	10/26/2011	0.00
CA 95050	92854			77.90

GL Number	Description	Invoice Amount	Amount Relieved	
05-58-4240	Parks & Fields Maintenance	77.90	0.00	

Check No.	45737	Total:	77.90
Total for	TURF & INDUSTRIAL EQUIPMENT		77.90

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

VISION INTERNET PROVIDERS INC	Sept Web Hosting, Tech Supp	12498	10/26/2011	
			10/26/2011	
P.O. BOX 251588	827		10/26/2011	0.00
LOS ANGELES	BOA	45738	10/26/2011	0.00
CA 90025	20739			217.85

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4311	Internet Service & Web Hosting	217.85	0.00

Check No.	45738	Total:	217.85
Total for	VISION INTERNET PROVIDERS IN		217.85

VISTA VERDE ASSOCIATES INC	Canopies/Sound for PVSD-150	12517	10/26/2011	
			10/26/2011	
15 VISTA VERDE WAY	1353		10/26/2011	0.00
PORTOLA VALLEY	BOA	45739	10/26/2011	0.00
CA 94028	22116			1,300.00

GL Number	Description	Invoice Amount	Amount Relieved
05-52-4147	Picnic/Holiday Party	1,300.00	0.00

Check No.	45739	Total:	1,300.00
Total for	VISTA VERDE ASSOCIATES INC		1,300.00

WOLFPACK INSURANCE	Nov Dental/Vision Premium	12499	10/26/2011	
			10/26/2011	
SMALL BUSINESS BENEFIT PLAN	0132		10/26/2011	0.00
BELMONT	BOA	45740	10/26/2011	0.00
CA 94402				2,090.60

GL Number	Description	Invoice Amount	Amount Relieved
05-50-4090	Health Ins Dental & Vision	2,090.60	0.00

Check No.	45740	Total:	2,090.60
Total for	WOLFPACK INSURANCE		2,090.60

WOODSIDE DELIVERY SERVICE	Delivery thru 12/26/11	12503	10/26/2011	
			10/26/2011	
PO BOX 784	0219		10/26/2011	0.00
RIVERBANK	BOA	45741	10/26/2011	0.00
CA 95367				146.44

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4336	Miscellaneous	146.44	0.00

Check No.	45741	Total:	146.44
Total for	WOODSIDE DELIVERY SERVICE		146.44

WOODSIDE FIRE PROTECTION DISTR	Softball Field Deposit Refund	12510	10/26/2011	
			10/26/2011	
3111 WOODSIDE ROAD	709		10/26/2011	0.00
WOODSIDE	BOA	45742	10/26/2011	0.00
CA 94062				100.00

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

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

Check No.	45742	Total:	100.00
Total for	WOODSIDE FIRE PROTECTION DI		100.00

Total Invoices:	50	Grand Total:	552,783.26
		Less Credit Memos:	0.00
		Net Total:	552,783.26
		Less Hand Check Total:	0.00
		Outstanding Invoice Total:	552,783.26

TOWN OF PORTOLA VALLEY
Warrant Disbursement Journal
October 26, 2011

Claims totaling \$552,783.26 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: Stacie Nerdahl, Administrative Services Officer

DATE: October 26, 2011

RE: BUDGET AMENDMENT – COPS FUNDING

When the Council adopted the 2011-12 budget at its June 22 meeting, it was unclear whether the State would continue to fund the Citizens' Options for Public Safety (COPS) program. This \$100,000 in revenue has been the major funding source for the Town's *Additional Traffic Patrols* expenditure in the Service Agreements portion of the budget, which is also supported by funds from the Town's General and Public Safety funds. With the State's continued support of the COPS program in jeopardy, the 2011-12 budget was subsequently adopted with a reduced *Additional Traffic Patrols* program that reduced the costs and coverage provided.

Since the adoption of the Town's budget, the State has passed legislation that provides for the continued funding of the COPS program. After discussions with the Town of Woodside, with whom Portola Valley shares the contracts for law enforcement services, it is now recommended that the Council approve budget amendments that will add the \$100,000 COPS revenue to *Agency Revenues* and amend the expenditure for *Additional Traffic Patrols* from \$140,155 to the originally contracted amount of \$240,155. This expenditure will be funded as follows:

\$100,000	COPS (Fund 30)
\$ 30,155	General Fund
\$110,000	Public Safety (Fund 10)

Recommendation

It is recommended that the Town Council approve a budget amendment to add \$100,000 to the COPS Public Safety Fund in revenues (*Agency Revenues*) and expenditures (*Service Agreements*).

Approved: Angela Howard
Angela Howard, Town Manager



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Town Council
FROM: Tom Vlastic, Town Planner
DATE: October 16, 2011
RE: Public Hearing, Proposed Amendments to Zoning Ordinance
New Chapter 18.41, Wireless Communication Facilities

Town Council Public Hearing

A notice has been placed, as required by ordinance, for the October 26, 2011 Town Council meeting, at which time the council will formally consider the planning commission's recommendations for the subject amendments to the zoning ordinance. Specifically, the planning commission, by attached Resolution 2011-001 has recommended that the town council amend the zoning ordinance to include a new *Chapter 18.41, Wireless Communication Facilities*. The recommended amendments reflect changes made to the proposals at the September 7 and 21 planning commission meetings where the commission conducted its own public hearing on the amendments.

The attached proposed amending ordinance prepared by the town attorney for council adoption contains the new Chapter as recommended by the planning commission. After the town council conducts its public hearing on the planning commission recommendations, the council should act to adopt the amendments by the proposed ordinance. Such action should include any changes council members concluded were needed to the proposal. If the council determined that any significant changes were necessary, such changes should be referred back to the planning commission for review and report.

The proposed ordinance includes a few changes to the existing ordinance for conformity to the provisions of the proposed amendments. These are deletion of two definitions that are superseded by the proposals and two references that would be added to existing provisions to link directly to requirements for processing and findings in new Chapter 18.41. The changes are only to ensure internal consistency within the zoning ordinance.

Background

The attached documents listed below provide the key background data on the proposed ordinance amendments and planning commission recommendations. The documents are attached in the order listed from first to last and follow the proposed ordinance:

- September 14, 2011 town planner memorandum to the planning commission
- September 1, 2011 town planner memorandum to the planning commission
- Minutes of the June 15, 2011 joint planning commission and ASCC study session on the proposed ordinance amendments
- June 9, 2011 town planner memorandum prepared for the June 15, 2011 joint planning commission and ASCC study session
- May 5, 2011 town planner memorandum to the town council on the Wireless Taskforce recommendations for the zoning ordinance amendments
- November 10, 2011 memorandum from the town attorney relative to the legal framework for consideration of applications for wireless communication facilities

As these materials show, at the May 11, 2011 town council meeting, council members received a report with the proposed ordinance changes as recommended by the wireless taskforce. The council was in support of the proposals and referred them to the planning commission to start the public review process. This process started with the June 15th joint session and the minutes from that meeting identify the changes to the proposals that the planning commission and ASCC concluded should be made before the start of the formal commission public hearing on the zoning ordinance amendment.

The changes requested at the June 15th meeting were made. The formal public hearing before the commission then started at the September 7th commission meeting and was concluded at the September 21st meeting. The reports associated with these meetings describe the changes that were made during the public hearing process. Further, the attached proposed ordinance uses shading to identify the changes that the commission made before acting on the resolution to recommend town council adoption of the proposed amendments.

Two final items were resolved at the September 21st hearing that are not fully discussed in the town planner reports. Further, due to the illness of the meeting minutes transcriber, the minutes from the September 21st meeting have yet to be drafted. The specific changes made at the 9/21 meeting are as follows:

- Section 18.41.020.E. Co-location definition (page 4). Shaded wording added to further define co-location.
- Section 18.41.080.C.13. Standard Conditions of Approval (page 14). The requirement for annual radio frequency testing was modified to state that periodic testing would be as called for in the specific provisions of the approved conditional use permit. Chair McKitterick worried that an automatic requirement for annual testing of RF standards was excessive since there was no data to support that such facilities actually exceed FCC standards. Staff review has not been able to find an instance where any such facilities have exceeded FCC standards. Further, in almost cases reviewed, the experience is that the facilities fall well under 5% of the permitted standards, and more in the 1-2% range.

Other commissioners, while not necessarily sharing the full concern of the chair, concurred that relative to RF testing, a specific monitoring schedule could be included with any specific CUP action, and for more sensitive sites, the frequency of monitoring

would likely be higher than those more removed from occupied residential properties. Thus, the change in wording was found acceptable as a compromise position.

After making the above changes, the commission voted to recommend town council adoption of the proposed ordinance amendments as set forth with attached Resolution No. 2011-001.

Recommendations for Action

As noted above, it is recommended that at the October 26, 2011 meeting, the town council conduct the public hearing and, if possible after closing the public hearing, act to adopt the ordinance prepared by the town attorney that would add new Chapter 18.41, Wireless Communication Facilities, to the town's zoning ordinance and make the few "clean-up" changes to the existing ordinance as identified in the proposed action ordinance. The action would be to specifically introduce the ordinance for first reading and then bring the ordinance back for second reading and adoption at the November 9, 2011 regular council meeting.

TCV

attach.

cc. Angela Howard, Town Manager
Nate McKitterick Chair, and Planning Commissioners
Sandy Sloan and Leigh Prince, Town Attorney
Leslie Lambert, Planning Manager
Wireless Task Force members

ORDINANCE NO. 2011-

ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PORTOLA VALLEY ADDING CHAPTER 18.41 [WIRELESS COMMUNICATION FACILITIES] TO TITLE 18 [ZONING] OF THE PORTOLA VALLEY MUNICIPAL CODE AND REPEALING AND AMENDING RELATED SECTIONS IN TITLE 18 [ZONING] FOR CONFORMITY

WHEREAS, in October 2010, the Town Council of the Town of Portola Valley (“Town”), after considering experiences with several applications for new wireless facilities under existing zoning provisions, and in light of community concerns, appointed a Wireless Taskforce (“Taskforce”) to evaluate the need for changes to Town policies and regulations relative to wireless communication facilities; and

WHEREAS, the Taskforce meet on several occasions between November 2010 and March 2011 to consider existing policies and regulations regarding wireless communication facilities and possible changes thereto, including consideration of information provided by the Town Planner and Town Attorney; and

WHEREAS, the Taskforce proposed a draft ordinance incorporating Town wireless policies and regulations into a new chapter and recommended adoption of an ordinance in the form transmitted to the Town Council in the May 5, 2011 memorandum from the Town Planner; and

WHEREAS, on May 11, 2011, the Town Council considered the recommendations of the Taskforce and found them generally consistent with Town Council’s identified objectives for the Taskforce’s work and directed that the draft ordinance be forwarded to the Planning Commission for public hearing; and,

WHEREAS, the Planning Commission and Architectural & Site Control Commission conducted a study session on June 15, 2011 and made modifications to the draft ordinance; and

WHEREAS, the Planning Commission conducted two noticed public hearings on the draft wireless communication facilities ordinance on September 7 and September 21, 2011; and

WHEREAS, after making modifications to the draft ordinance, the Planning Commission adopted Resolution No. 2011-001 recommending that the Town Council adopt the proposed wireless communication facilities ordinance; and

WHEREAS, the Town Council held duly noticed public hearings on October 26 and November __, 2011, at which it carefully considered the proposed wireless communication facilities ordinance, the comments made at the public hearing, and the staff report; and

WHEREAS, the Town Council desires to add Chapter 18.41 [Wireless Communication Facilities] to Title 18 [Zoning] of the Portola Valley Municipal Code and repeal and amend related sections to bring them into conformity with the new chapter.

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

1. Addition of Code. Chapter 18.41 [Wireless Communication Facilities] is hereby added to Title 18 [Zoning] of the Portola Valley Municipal Code to read as follows:

**“CHAPTER 18.41
WIRELESS COMMUNICATON FACILITIES**

Sections:

18.41.010	Purpose
18.41.020	Definitions
18.41.030	Location
18.41.040	Exempt Facilities
18.41.050	Preference for Certain Facilities
18.41.060	Conditional Use Permit Required and Required Findings
18.41.070	Permit Approval Process, Permit Life and Application Requirements
18.41.080	Development Requirements and Standards, Approval Conditions
18.41.090	Operation and Maintenance Standards
18.41.100	Certification of Facilities
18.41.110	Duration, Revocation and Discontinuance

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

18.41.020 Definitions. As used in this Chapter and this Title, certain terms are defined as set forth herein.

A. **Antenna.** “Antenna” is any system of wires, panels, rods, reflecting discs or similar devices used for the transmission or reception of electromagnetic signals. Does not include any support structure upon which the antenna is mounted.

B. Antenna Structure. “Antenna Structure” is any structure including a pole, mast, or tower, whether freestanding or mounted on another structure, that supports an antenna or an array of antennas. The height of an antenna structure is measured to the highest point of any antenna mounted thereon, or the antenna structure supporting the antenna, whichever is higher.

C. Camouflaged Facility. “Camouflaged Facility” is a wireless communication facility located or designed so as to be of minimal visibility, such as being incorporated within an architectural feature, for example a steeple or parapet, or disguised as a tree or other natural feature.

D. Certification. “Certification” is a certificate by an approved radio frequency expert that a facility will be designed, and at all times operated, in full compliance with current United States Government Federal Communication Commission (FCC) guidelines for human exposure to radio frequency emissions.

E. Co-location. “Co-location” is the use of a wireless communications facility by more than one (1) personal wireless service provider that does not involve any substantial increase in the existing antenna tower or pole or other associated structures.

F. Distributed Antenna Systems (DAS). “Distributed Antenna Systems” is a wireless communication facility system, licensed by the FCC, that consists of small antennas mounted on utility poles or buildings, all connected with fiber optic cable, either buried or strung between the utility poles.

G. Equipment Enclosure. “Equipment Enclosure” is a structure or fenced enclosure designed to enclose equipment used in connection with a wireless communications facility.

H. Personal Wireless Services. “Personal Wireless Services” means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services. The services include cellular services, Personal Communication Services (PCS), specialized mobile radio services and paging services.

I. Personal Wireless Service Provider (Provider). “Personal Wireless Service Provider” is an entity licensed by the FCC to provide personal wireless services to individuals or institutions.

J. Radio Frequency Emission Evaluation. “Radio Frequency Emission Evaluation” is the calculation of radio-frequency emission levels utilizing FCC standards.

K. Radio Frequency Emission. “Radio Frequency Emission” is electromagnetic emissions from wireless communication facilities as regulated by the FCC.

L. Radio Frequency Expert. “Radio Frequency Expert” is a person or firm specializing in radio frequency telecommunications technology, including wireless site design, retained by the town at the applicant’s sole expense to perform work as provided

for in this Chapter or as may be requested by the town in consideration of any conditional use permit application for a wireless communication facility.

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

N. Wireless Communication Facility. “Wireless Communication Facility” is any device or system for the transmitting and/or receiving of electromagnetic signals, including but not limited to radio waves and microwaves, for cellular technology, personal wireless services, mobile services, paging systems and related technologies. Facilities include antennas, microwave dishes, parabolic antennas and all other types of equipment used in the transmission and reception of such signals; structure for the support of such facilities, associated buildings and cabinets to house support equipment and other accessory improvements. A television or radio antenna, when accessory to a principal or conditional use, shall not be considered a wireless communication facility.

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

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

18.41.040 Exempt Facilities. The following facilities shall be exempt from the conditional use permit requirements of this Chapter.

A. Video receive-only antenna. A television antenna, whether ground or building mounted, for the sole use of occupants of the parcel on which such antenna is located, with a height that conforms to the limits of this Title.

B. Satellite dish antenna. A receive-only radio or satellite dish antenna, whether ground or building mounted, not exceeding one (1) meter (39.37 inches) in diameter for the sole use of occupants of the parcel on which such antenna is located.

C. **Citizens band or amateur radio antenna.** A ground or building mounted citizen band or federally licensed amateur radio operator antenna that conforms to the height limits of this Title and any building code provisions relative to the antenna support system.

D. **Town antennas.** Receive and/or transmit station antennas and antenna supports owned and operated by the Town of Portola Valley. The design and placement of such antennas shall, however, be subject to architectural review pursuant to the provisions of Chapter 18.64 of this Title.

E. **Microcells, picocells, WiFi, and similar systems for individual private use.** A facility that serves an individual home or business and is limited to an individual residence or business where service is intended to be provided within the boundary of the individual building or property.

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

A. **Distributed Antenna Systems (DAS), small cell or “cube” systems.** DAS and any similar small cell systems that make use of antennas mounted on existing utility poles, or other very small cell or “cube” type systems that only require electrical power and connection to a telephone line, and with flexible location needs, shall comply with the conditional use permit requirements for such facilities, but the time for application processing shall be 90 days from the time the application is deemed complete. Further, the planning commission may, during the preliminary review of the application, determine other permit streamlining actions that would be appropriate in light of the specific characteristics of the proposal.

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

18.41.060 Conditional use permit required and required findings.

A **Conditional use permit required.** A conditional use permit shall be required for any wireless communication facility that does not meet the exemption requirements set forth in Section 18.41.040. The application requirements, review and action procedures for the conditional use permit shall be as provided for in Chapter 18.72 of this Title and subject to the additional requirements set forth herein.

B. Additional conditional use permit findings. In granting a conditional use permit for a wireless communication facility, the planning commission shall make the following findings in addition to those set forth in Section 18.72.130 of this Title:

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

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

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

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

18.41.070 Permit approval process, permit life and application requirements.

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

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

C. Time period for action. Unless modified by other provisions of this Chapter or Title, action on a use permit for a new wireless communication facility or amendment to a permit for an existing facility shall be within 150 days of the date the application was filed with the town. For amendment to a permit for co-location of a new antenna on an existing facility, the time period for action shall be 90 days of the date the application was filed with the town. The town shall make an applicant aware in writing of an incomplete application

within 30 days of the filing of the application. If an application is deemed incomplete the time period for action shall be suspended from the date of the written notice until such time that the data and information requested have been received by the town and the application deemed complete by town. These time periods may be waived with the concurrence of the applicant.

D. Permit life. If a conditional use permit is granted, the minimum permit life shall be ten (10) years unless a shorter life is allowed for under controlling Federal or State of California standards and regulations. In particular, use permits for wireless facilities in any utility undergrounding district established by the town shall be limited to an initial life of five (5) years. In any case, the intent is to limit the initial life of the permit to the minimum so that if less intrusive technologies become available they can be considered and, where found appropriate through the use permit process implemented to minimize potential impacts on the community.

E. Additional application requirements for wireless communication facilities. The following additional application information shall be required for all wireless communication facility proposals unless waived by the planning commission based on data provided by the applicant or upon recommendation by the Town Planner:

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

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

3. A map depicting coverage at maximum power and design capacity identifying any significant gaps in coverage. The map shall include all existing and proposed facilities of the service provider within the town and its spheres of influence that have relevance to service in the town and the significant gap analysis. The scale of the map shall be as determined by the Town Planner.

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

necessary within the public right of way shall clearly be identified.

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

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

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

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

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

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

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

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

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

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

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

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

F. Specific submittal requirements for towers. All applications for new tower construction, or significant modification of an existing tower shall include:

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

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

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

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

18.41.080 Development requirements and standards, approval conditions.

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

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

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

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

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

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

6. Faux tree structures shall include appropriate antenna camouflaging elements, as well as three-dimensional bark cladding from the base to the top of the 'trunk' and along

all portions of each branch, and branch coverage shall be dense and natural, and no portion of any antennas shall protrude beyond the branches.

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

8. All wireless communication facilities shall have battery or generator back-up for use in the time of an emergency when normal power sources are not available. The back-up power system shall be capable of running the facility for at least 48 hours.

9. All wireless communication facilities permit applications shall be subject to design review by the Architectural and Site Control Commission (ASCC) as provided for in Chapter 18.64 of this title.

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

1. Antenna and the support structure (tower, pole, etc.) may not exceed a height of 50 feet unless it is determined, based on technical review, that the additional height is necessary to fill the identified gap and/or the added height will allow for co-location of facilities for more than one carrier. Provided, however, that the added height shall only be permitted if aesthetic mitigations, as determined necessary, are included in the design and the commission finds that the mitigations reduce impacts to acceptable levels.

2. The base of the tower or antenna support structure shall be at least 50 feet from any adjacent property boundary unless the planning commission determines that a closer distance to a boundary would result in less overall aesthetic impacts.

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

4. Wireless communication facilities may be installed on existing or new joint utility poles within the public rights of way. No new pole, however, shall be permitted in an area designated as a utility undergrounding district. Any facility in a public right of way shall be subject to encroachment permit requirements of the public works director.

5. Any wireless communication facilities shall at all times comply with the most current applicable federal and state laws relative to electromagnetic radiation. If, after facility installation, the applicable provisions are modified to be more restrictive, the facility operator shall have 120 days from the effective date of the change to be in compliance with the more restrictive standards.

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

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

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

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

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

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

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

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

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

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

12. Where the Town Planner finds that proposed wireless communications facilities have the potential to create a significant interference with the quiet enjoyment of the surrounding area or neighborhood, including adverse visual, noise and aesthetic impacts, the Town Planner may require an independent, third-party review, at the expense of the applicant, to identify such considerations as potential impacts on the surrounding area or neighborhood and to identify potential alternative solutions, and to identify any lesser intrusive means of providing coverage by the project applicant. Further, all facilities shall be designed and operated to conform to the minimum noise standards contained in Chapter 9.10 (Noise Control) of the Portola Valley Municipal Code. Failure to comply with the town's adopted noise standard after written notice and opportunity to cure have been given shall be grounds for the town to conduct a revocation hearing regarding the permit granted pursuant to this Section.

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

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

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

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

3. When no longer in service for a continuous period of ninety (90) days, the facility shall be subject to discontinuance of use provisions and procedures set forth in Section 18.41.110.B of this Chapter.

4. The permittee shall reimburse the town on demand for all costs incurred for work the applicant has failed to perform within thirty (30) days upon notice that the work is required to comply with conditions of permit approval.

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

preserve the public health or safety.

6. The permit issued hereunder shall expire within one (1) year of the effective date of issuance if the applicant fails to commence construction within that period; provided, however the planning commission may renew any such permit for up to a single one-year period if a request to renew is received by the town at least sixty (60) calendar days before the approvals lapse.

7. Permits issued pursuant to this Section shall expire at 12:00 p.m. local time ten (10) years from the effective date of the permit issuance unless otherwise specified in the permit.

8. Any permit shall be reviewed, unless otherwise noted, every two (2) years by the planning commission for conformity with the conditions of the permit. The permittee or any future owner of the facilities shall be responsible for any town costs associated with the periodic review of the permit or any other town reviews required by permit conditions.

9. The permittee or any future owner may request an extension of the 10-year life (or five-year life for permits in undergrounding districts) of the permit if the request is made at least six (6) 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~~ may require replacement of facilities, if less intrusive service alternatives are available, as a condition of extending the life of the use permit. The commission also ~~reserves the right to~~ may require other permit extension conditions it finds necessary to ensure consistency with the intent and objectives of this chapter.

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

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

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

13. Within 45 days of the installation of the wireless facilities and thereafter on an annual basis, the permittee shall furnish data to the satisfaction of Town Planner verifying compliance with town noise ordinance standards and all FCC requirements including radio frequency emission standards. The carrier shall submit upon site commissioning, or completion of any approved site modification affecting the radio frequency system, a radio frequency radiation emission test report based on field measurements taken at the site and the immediate surroundings, to demonstrate compliance with FCC standards. Such radio frequency radiation emission test reports shall also be submitted ~~annually~~ periodically after town acceptance of the initial report ~~or other~~ pursuant to any schedule as may be provided for in the specific provisions of the use permit.

14. In the event radio frequency emissions tests required by the permit indicate non-compliance with FCC adopted standards, the carrier shall immediately inform the town of the non-compliance and the steps needed to bring the facilities into compliance. The carrier shall commence corrective action as soon as town approval has been received and shall notify the town when compliance has been achieved. Unless compliance is achieved within 60 days of town approval, the town may take steps to revoke or modify the conditions of this permit.

15. The permittee or any future owner of the a tower facility shall allow for co-location of up to two (2) additional wireless carriers on the facility, if so required by the planning commission based on the specific site conditions and application analyses.

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

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

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

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

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

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

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

18.41.100 Certification of facilities. A. Every wireless communications facility shall at any and all times comply with the FCC's Office of Engineering and Technology Bulletin 65, and all other FCC rules. In order to ensure continuing compliance with the conditions of permit approval, all wireless communications facilities shall be reviewed by a town approved radio frequency expert in accord with the schedule and procedures set forth below. All costs of such inspections and expert review shall be borne by the permittee. The permittee shall provide a deposit for such reviews and promptly reimburse the town for the cost of such expert inspection and review that exceeds the deposit amount. The town may require, at the permittee's expense, independent verification of the results of any analysis.

If a permittee fails to supply the required reports or fails to correct a violation of any condition of permit approval following notification, the conditional use permit is subject to modification or revocation by the planning commission pursuant to Section 18.72.240 of this Title.

1. Within forty-five (45) days of initial operation, and all modifications thereafter, of a wireless communications facility, the permittee shall submit written certification of compliance with the approved application, any applicable FCC radio-frequency requirements, and all conditions of permit approval to the Town Planner.

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

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

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

B. The provider of any wireless communications facility that was approved by the town before the effective date of this Chapter, shall submit within six (6) months from the date of notification, to the Town Planner, written certification that the facility is in compliance with the approved application, any required conditions of permit approval and applicable FCC radio-frequency requirements, to be reviewed by the town's approved radio frequency expert. Permittee shall promptly reimburse the town for the cost of such expert review. If the facility does not comply with the conditions of permit approval or applicable FCC requirements, the provider shall cease operation of the facility until the facility is brought into compliance. In order to assure the objectivity of the analysis, the town may require, at the applicant's expense, independent verification of the results of the analysis.

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

to the provisions of this Chapter.

D. Failure to submit the information required in this Section will be considered a violation of the Zoning Ordinance. Any facility found in violation is subject to revocation or modification pursuant to Chapter 18.72 of this Title.

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

18.41.110 Duration, revocation and discontinuance.

A. Duration of permits and approvals.

1. Actual construction of a wireless communications facility pursuant to an approved conditional use permit must be initiated within one (1) year from the date of final approval. If actual construction has not begun within one (1) year from the date of final approval, the permit shall be deemed expired, and all rights granted pursuant to the permit shall be revoked; provided, however the planning commission may renew any such permit for up to a single one-year period if a request to renew is received by the town at least sixty (60) calendar days before the approvals lapse.

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

3. In the event that the Town Planner finds that the applicant has not maintained the facility in compliance with all applicable federal, state or Portola Valley Municipal Code requirements and conditions of approval, the Town Planner may recommend that the Planning Commission initiate a revocation procedure as provided by Chapter 18.72.240 of this Title.

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

B. Discontinuance of use. All equipment and improvements associated with a wireless communications facility shall be removed within ninety (90) days of the discontinuation of the use and the site shall be restored to its original, preconstruction condition, or as approved by the Town Planner upon review and recommendation of the ASCC. Written verification of the removal of wireless communications facilities on private property shall be provided to the Town Planner within ninety (90) days of the discontinuation of the use.

1. If the provider fails to remove the wireless communications facilities from the site as required herein, the property owner shall be responsible for removal. If such facilities

are not removed, the site shall be deemed to be a public nuisance and the town may take such action as is it deems appropriate to abate the public nuisance in accordance with provisions of this Code and any other applicable provision of law.

2. Failure to inform the Town Planner of cessation of operations of any existing facility shall constitute a violation of the Zoning Ordinance and be grounds for:

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

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

2. Repeal of Code. Section 18.04.057 [Antenna] of Chapter 18.04 [Definitions] of Title 18 [Zoning] of the Portola Valley Municipal Code is hereby repealed in its entirety.

3. Repeal of Code. Section 18.04.454 [Wireless Communication Facility] of Chapter 18.04 [Definitions] of Title 18 [Zoning] of the Portola Valley Municipal Code is hereby repealed in its entirety.

4. Amendment of Code. Subsection A.8. of Section 18.72.130 [Planning Commission—Findings—Action] of Chapter 18.72 [Conditional Use Permits] of Title 18 [Zoning] is hereby amended to read as follows:

“8. For wireless communications facilities, findings in addition to those set forth above shall be made as called for in Section 18.41.060.”

5. Amendment of Code. Subsection D. of Section 18.36.020 [Conditional Uses] of Chapter 18.36 [Uses Permitted in All Districts] of Title 18 [Zoning] is hereby amended to read as follows:

“D. Wireless communication facilities that serve primarily the Town and its sphere of influence and that conform to the provisions of Chapter 18.41 of this Title.”

6. Environmental Review. This Ordinance is not a project for the purposes of the California Environmental Quality Act.

7. Effective Date: Posting. This Ordinance shall become effective thirty (30) days after the date of its adoption and shall be posted within the Town in three (3) public places.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

By: _____
Mayor

ATTEST:

APPROVED AS TO FORM:

Town Clerk

Town Attorney

RESOLUTION NO. 2011 - 001

RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF
PORTOLA VALLEY RECOMMENDING ADDING CHAPTER 18.41
[WIRELESS COMMUNICATION FACILITIES] TO TITLE 18 [ZONING]
OF THE PORTOLA VALLEY MUNICIPAL CODE

WHEREAS, in October 2010, the Town Council of the Town of Portola Valley, after considering experiences with several applications for new wireless facilities under existing zoning provisions, and in light of community concerns, appointed a Wireless Taskforce to evaluate the need for changes to Town policies and regulations relative to wireless communication facilities; and

WHEREAS, the Wireless Taskforce meet on several occasion between November 2010 and March 2011, to consider existing policies and regulations regarding wireless communication facilities and possible changes thereto, including consideration of information provided by the Town Planner and Town Attorney; and

WHEREAS, on March 29, 2011, the Wireless Taskforce completed work on a draft ordinance incorporating Town wireless policies and regulations into a new Chapter 18.41 [Wireless Communication Facilities] of Title 18 [Zoning] of the Portola Valley Municipal Code and recommended the Town Council adopt this ordinance in the form transmitted to the Town Council in the May 5, 2011 memorandum from the Town Planner; and

WHEREAS, on May 11, 2011, the Town Council considered the recommendations of the Wireless Taskforce and found them generally consistent with Town Council's identified objectives for the Taskforce's work and directed that the draft ordinance be forwarded to the Planning Commission for public hearing: and,

WHEREAS, the Town Planning Commission and Architectural & Site Control Commission ("ASCC"), pursuant to the Town Council's direction, conducted a study session on June 15, 2011 regarding the March 29, 2011 draft of the proposed new Chapter 18.41 [Wireless Communication Facilities] and requested certain modifications and clarifications before setting the proposed amendment for public hearing; and

WHEREAS, the proposed new Chapter 18.41 [Wireless Communication Facilities] was modified pursuant to Planning Commission and ASCC direction provided at the June 15, 2011 study session and at the September 7, 2011 noticed Planning Commission public hearing as described and included with the September 1, 2011 report from the Town Planner; and

WHEREAS, on September 7 and September 21, 2011, the Planning Commission considered the addition of Chapter 18.41 [Wireless Communication Facilities] to Title 18 [Zoning] of the Portola Valley Municipal Code at a duly noticed public hearing.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the Town of Portola Valley recommends the addition of Chapter 18.41 [Wireless Communication Facilities] to Title 18 [Zoning] of the Portola Valley Municipal Code in the form attached hereto as **Exhibit A., Chapter 18.41, Wireless Communication Facilities, dated September 21, 2011,** and also recommends that the Town Council find the addition Categorically

Exempt from the California Environmental Quality Act ("CEQA"), pursuant to Section 15308 of the CEQA Guidelines (actions for protection of the environment), as evaluated in the September 1, 2011 report from the Town Planner.

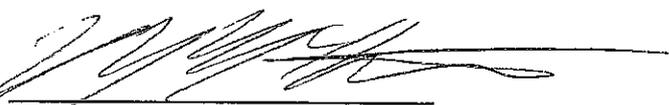
PASSED AND ADOPTED at the regular meeting of the Planning Commission of the Town held on September 21, 2011, by the following vote:

AYES, Commissioners: Chair McKitterick, Vice Chair Zaffaroni, Gilbert, Von Feldt

NOES, Commissioners: None

ABSENT, Commissioners: McIntosh

ABSTAIN, Commissioners:

By: 

Chair Nate McKitterick

ATTEST:



Tom Vlasic
Town Planner



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Planning Commission
FROM: Tom Vlastic, Town Planner
DATE: September 14, 2011
RE: Continued Public Hearing, Proposed Amendments to Zoning Ordinance
New Chapter 18.41, Wireless Communication Facilities

Background and Continued Public Hearing

On September 7, 2011 the planning commission opened the public hearing on the proposed amendments to the Portola Valley Municipal Code that would add a new *Chapter 18.41, Wireless Communications Facilities*, to the zoning ordinance. The proposed amendments were transmitted with our attached September 1, 2011 report to the planning commission. The commission took public input and offered comments for some additional modifications to the proposed amendments, as noted in the enclosed draft minutes of the September 7, 2011 meeting, and then continued the public hearing to the September 21, 2011 regular commission meeting.

As explained herein, the attached September 14, 2011 version of the proposed amendments includes the changes requested by the planning commission and also typographical corrections made based on an annotated version of the ordinance provided by Commissioner Von Feldt. The typographical corrections are not highlighted on the attached proposed amendments, but the other changes requested by the commission are identified with shading.

At the September 21, 2011 continued hearing, the commission should consider any new public input and then, if possible, close the public hearing and take action to approve the proposed amendments and forward them to the town council for further public hearing and town council adoption. A resolution for action is attached and has been prepared by the town planner and town attorney. Exhibit A to the resolution is the September 14th version of the amendments.

September 14, 2011 Ordinance Revisions and One Outstanding Issue Deferred from the September 7th Commission Discussion

Most of the changes that are highlighted in the attached September 14, 2011 version of the amendments were actually made during commission discussion at the September 7th hearing as noted in the enclosed minutes. Two items, however, required some additional

review, and one of these commissioners agreed to discuss further at the September 21st hearing. The two matters are discussed below.

1. **Time Period for Action (Section 18.41.070.C, page 7).** Jay Gruendle, agent for Verizon, attended the 9/7 hearing and commented that counsel to Verizon had advised that the "time clock" for action on an application started when the application was filed and was only suspended when the application was found by the public agency to be incomplete. He clarified that the "time clock" suspension would remain until the additional data needed to make the application was provided to the town and found to be complete. As explained below, the town attorney has reconsidered the subject provision and recommended the changes highlighted in the attached 9/14/11 amendment version.

The matter was brought to the attention of Leigh Prince in the town attorney's office. Leigh advised that she reviewed the relevant FCC ruling, which states: "We concur that the timeframes should take into account whether applications are complete. Accordingly, we find that when applications are incomplete as filed, the timeframes do not include the time that applicants take to respond to State and local governments' requests for additional information." She noted that the FCC went on to indicate that State and local governments should review applications for completeness within 30 days. "Accordingly, we conclude that the time it takes for an applicant to respond to a request for additional information will not count toward the 90 or 150 days only if that State or local government notifies the applicant within the first 30 days that its application is incomplete."

Based on the forgoing and the input from Verizon, Leigh considered further her evaluation of the FCC rulings. She now concludes that the 90- or 150-day clock starts with filing of the application and is stopped if the City deems the application incomplete within 30 days of receiving it and that the clock does not restart until the information requested in the notice of incompleteness is received. The clock then resumes where it left off and the City has only the remaining portion of the original 90- or 150-day period in which to approve or deny the application. As a result, Leigh has recommended the wording changes to Section 18.41.070.C, page 7, shown on the attached 9/14/11 version of the proposed amendments.

2. **Annual Radio Frequency (RF) and Noise Testing.** Chair McKitterick expressed concerns over the requirements set forth in proposed Section 18.41.080.C.13, page 14, requiring, after initial verification at project commissioning, annual testing to verify compliance with town noise standards and FCC RF standards. He offered that this was a significant burden on an applicant. He also noted that short of data suggesting that FCC violations were not unusual, he would question any requirement for regular testing.

We pointed out that the town's noise ordinance and the recent CUP conditions would give town staff authority to pursue noise ordinance compliance whenever we are made aware of an issue. At the same time, it is important that there be initial testing at commissioning to ensure the estimated noise levels shown to be within town standards with the application are field verified after equipment is installed and in operation. Annual testing is not essential with the authority the town has under the use permit and noise ordinance to pursue compliance, but perhaps on a two year basis, at the time of CUP review, the permittee could verify that all equipment has been inspected and found to be operating within the approved standards.

As to the RF levels, we have not been able to identify any data that suggests exceeding the FCC levels has been an issue or rare, let alone, common concern. It is not even clear that for each site a carrier has to provide to the FCC any data on periodic testing to ensure compliance with RF levels. We understand that a carrier like Verizon obtains a license to operate at certain frequencies and each site is registered. The license requires that the carrier function within FCC RF limits, but at the same time, without some periodic monitoring, it is difficult for the public to be reassured that a facility continues to meet the standards identified with facility CUP approval.

Based on the foregoing, and work of the taskforce, we believe that the town has some responsibility to ensure a facility continues to function within the framework of the approved use permit. Thus, we still recommend some periodic testing, perhaps every four years to coincide with one of the commission's periodic reviews, and also before any approval is granted for extending the life of a use permit.

The commission should discuss the noise and RF testing issues and determine any changes to the amendments it would like to make before acting on the resolution to forward the amendments to the town council.

It is also noted that since the September 7, 2011 meeting, no additional public input has been received on the proposed amendments. We did make Mr. Gruendle aware of the "time clock" changes proposed based on the town attorney's review of his comments.

Recommendations for Action

As noted above, it is recommended that at the September 21st meeting, following public input, planning commission discussion and any additional modifications to the proposed amendments, if possible, the public hearing should be closed and the commission should approve the attached resolution recommending town council adoption of the proposed amendments.

TCV

attach.

cc. Angela Howard, Town Manager
Ted Driscoll, Mayor
Sandy Sloan and Leigh Prince, Town Attorney
ASCC
Wireless Task Force members



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Planning Commission
FROM: Tom Vlastic, Town Planner
DATE: September 1, 2011
RE: Public Hearing, Proposed Revisions to Zoning Ordinance
New Chapter 18.41, Wireless Communication Facilities

September 7, 2011 Public Hearing on Proposed Chapter 18.41, Wireless Communication Facilities

On September 7, 2011 the planning commission will conduct the public hearing on the attached proposed September 1, 2011 revisions to the Portola Valley Municipal Code that would add new Chapter 18.41, Wireless Communications Facilities, to the zoning ordinance. The proposed ordinance has been modified to include planning commission and ASCC recommendations made at a study session on June 15, 2011.

At this time, it is recommended that the commission open the public hearing on September 7, 2011 and then continue the hearing to the September 21, 2011 meeting. This will permit time for public input and for staff to respond to comments made during the public hearing process. Hopefully, the commission would then be in a position to act on the proposed amendments at the September 21, 2011 meeting. The specific action would be to approve the amendments and then forward them to the town council with a recommendation for adoption.

Background

Background to the proposal is presented in the attached documents listed below. As noted in the June 9, 2011 memorandum to the planning commission and ASCC, the town council considered a draft of the proposed ordinance on May 11, 2011 as recommended by the Wireless Taskforce. The council stated support for the draft ordinance and directed that the planning commission proceed with the public hearing process.

The following attached documents provide the key background data in support of the proposed ordinance revisions:

- Minutes from June 15, 2011 planning commission and ASCC Study Session
- June 9, 2011 memorandum to the planning commission and ASCC

- May 5, 2011 memorandum to the town council with Wireless Taskforce recommendations
- March 25, 2011 memorandum to the Wireless Taskforce
- February 4, 2011 memorandum to the Wireless Taskforce
- November 10, 2010 Memorandum from town attorney Sandy Sloan on the T-Mobile appeal and the legal framework for regulation of telecommunication facilities

As noted above, the attached proposed ordinance revisions are as recommended by the Wireless Taskforce that was supported by the town council at the May 11 council meeting. The proposed ordinance includes modifications as recommended by the planning commission and ASCC at the June 15, 2011 joint study session.

California Environmental Quality Act (CEQA) Compliance

We have considered the proposed ordinance amendments pursuant to the provisions of CEQA and determined that the project is Categorical Exempt pursuant to Section 15308 of CEQA. This section exempts actions for the protection of the environment. In this case, the proposed new Chapter 18.41 sets forth new and clarified application requirements and processing provisions in line with State and Federal requirements to ensure that permitted wireless communication facilities will have minimum potential for impacting the town's environment.

Recommendations for Action

As noted above, the planning commission should open the public hearing on September 7, 2011 and, after taking public input and offering comments, continue the hearing to the September 21, 2011 regular planning commission meeting.

(Note: We are also distributing copies of the proposed ordinance to the individuals who have been working in the town for the various wireless carriers with Portola Valley facilities.)

TCV

attach.

cc. Angela Howard, Town Manager
Ted Driscoll, Mayor
Sandy Sloan and Leigh Prince, Town Attorney
ASCC
Wireless Task Force members

ASCC/PLANNING COMMISSION SPECIAL JOINT MEETING, TOWN OF PORTOLA VALLEY, JUNE 15, 2011, SCHOOLHOUSE, TOWN CENTER, 765 PORTOLA ROAD, PORTOLA VALLEY, CA 94028

Planning Commission Chair McKitterick called the joint meeting of the Planning Commission and the ASCC to order at 7:30 p.m. Mr. Vlastic called the roll:

Present: Planning Commissioners Denise Gilbert, Arthur McIntosh and Alexandra Von Feldt, Vice Chair Leah Zaffaroni and Chair Nate McKitterick
ASCC Members Danna Breen and Jeff Clark, and Chair Jeff Aalfs

Absent: ASCC Commissioners Craig Hughes and Carter Warr

Staff Present: Tom Vlastic, Town Planner
Ann Wengert, Town Council Liaison

ORAL COMMUNICATIONS

None.

SPECIAL AGENDA

- (1) Study Session: Proposed revisions to Zoning Ordinance, new Chapter 18.41, Wireless Communication Facilities

Mr. Vlastic reviewed the status of various applications that the Town has approved and authorized for wireless facilities, and what has transpired since those approvals and authorizations. He indicated that T-Mobile and AT&T both have a number of locations, including along Alpine and Portola Roads and at The Priory. Verizon, Sprint and Nextel/Sprint also have facilities at The Priory. TowerCo, which owns the pole supporting Nextel/Sprint's antenna installations, also has a wireless facility permitted at The Priory.

Referring to an annotated copy of the Town Zoning Map, Mr. Vlastic said that in addition to the wireless facilities within Portola Valley's boundaries, San Mateo County recently issued a permit for T-Mobile to install an antenna, housed in a cylinder, on an existing utility pole along Alpine Road in Ladera, across from the Shell gas station. He also pointed out T-Mobile's other facilities – on Alpine Road near Westridge Drive and Ford Field, across from Town Center, and across from the Alpine Hills Tennis & Swimming Club on the west side of Portola Road. AT&T's wireless facilities include one near T-Mobile's facility across from Alpine Hills and another one across from Christ Church on Portola Road.

According to Mr. Vlastic, the thrust over the last 12 to 18 months – in addition to T-Mobile's application for the Peak Lane facility – has been upgrades to AT&T and Verizon facilities. An application by Sprint to extend its use permit hasn't been finalized yet, pending receipt of additional data from the carrier. Pursuant to permit approvals, AT&T is proceeding with interim improvements to its facilities at The Priory and upgrades on Alpine and Portola Roads. Mr. Vlastic said that AT&T's representative has been responsive and relatively easy to work with.

Mr. Vlastic advised that T-Mobile wants to renew permits for its two Alpine Road facilities and the one on Portola Road. Its renewal application was for only one of the facilities, but the existing permit includes all three. An amendment to the permit pertains specifically to the facility near Ford Field. After meeting with T-Mobile, he said, the T-Mobile representative was asked to bring back relevant materials on all three facilities, along with the Peak Lane facility information, so that the changes, the coverage, and their requests are clear. Mr. Vlastic said that T-Mobile hasn't responded yet, possibly delayed by the pending merger with AT&T. T-Mobile also had submitted an application for an installation similar to that in Ladera on an existing utility pole on Corte Madera Road, but it was returned as incomplete and T-Mobile has yet to formally respond with the additional data needed.

As Mr. Vlasic explained, AT&T and Verizon are working actively under their respective permits to co-locate on a faux tree at The Priory, and have permission for interim facility upgrade work. TowerCo's permit renewal required painting its pole. In terms of landscaping, these carriers' attorneys and the Town Attorney's office (primarily Leigh Prince) have made considerable progress toward finalizing the agreements that the approved use permits require.

In terms of T-Mobile's Peak Lane facility, Mr. Vlasic said that the Town Council approved its application for a one-year use permit application on October 27, 2010. After a process that included extensive neighbor involvement, the ASCC approved T-Mobile's detailed plan for the design of the faux tree and the final design of the facility. In furtherance of the permit conditions, Mr. Vlasic indicated that T-Mobile conducted initial monitoring of radio frequency (RF) levels at the site to set a "baseline" for RF conditions. That was done both outside and inside the neighbors' houses, and Mr. Vlasic reported the interactions with the neighbors also went very well.

Since that time, he said, the Town has been trying to reach closure with T-Mobile on agreements binding both T-Mobile and the property owner (Cal Water) to a specific landscaping plan and provisions for maintenance and removal of the facilities pursuant to permit conditions. At this time – although Mr. Vlasic indicated that he feels the process is close to resolution – Ms. Prince is awaiting a follow-up call from T-Mobile. However, he also noted that under the provisions of the permit, T-Mobile has only four months remaining to apply for a building permit before the use permit expires.

Vice Chair Zaffaroni noted that Section 18.41.110.A.1, Duration of Permits and Approvals, would give an applicant up to two years to actually construct a facility. Inasmuch as T-Mobile has indicated it would take only three to four months to put up its tower, she asked why the Town would give the company two years to do so. Mr. Vlasic said that the two-year window gives the Town as well as the applicant more flexibility in terms of being able to use the latest – and ideally least intrusive – approach to building the facility. Chair McKittrick, too, pointed out that it's standard in planning to have one-year permits that can be extended by an additional year.

In terms of wireless coverage, Mr. Vlasic said that the Town now has fairly significant information on the Alpine Road and Portola Road corridors. He pointed out Verizon's coverage with its modified facility on the Zoning Map, noting that this facility will leave the company poised for 4G service but its in-building coverage, as expected, won't reach into the Westridge area. He pointed out, too, where T-Mobile's in-building coverage extends into Alpine Hills, Oak Hills and some of Westridge, with even broader outdoor coverage.

Mr. Vlasic said that the Wireless Task Force worked with this coverage information, including known gaps and areas where continued pressure for service is anticipated. He said the latter areas include Portola Valley Ranch, the Brookside Park area, and the northern portion of Town – at least in Westridge. As additional facilities come in to provide that service, the proposed ordinance has been drafted to try to direct new installations to either vacant properties, existing poles in public rights-of-way or utility-type sites that already contain water tanks or other such facilities. While the Town's preference might be to keep wireless facilities out of residential areas, he explained, attempting to legislate that would risk running afoul of FCC regulations, not to mention that it's the residential areas that are underserved.

The proposed ordinance also contains provisions for setbacks and identifies preferences for distributed antenna system (DAS) technology or the evolving cube boxes, Mr. Vlasic said, but its main thrust is to put the burden on the carrier to file a complete application that will go through a peer-review process. A complete application would incorporate sufficient data to prove the existence of a significant gap and to show that the proposed facility presents the least-intrusive means of filling it. At the very least, Mr. Vlasic said that the ordinance would ensure that the Town isn't in the same reactive position as with the T-Mobile application for Peak Lane. The Wireless Task Force also looked at providing incentives for systems that don't require towers, he said, but wanted to avoid compromising on requirements for RF monitoring and to ensure consistency with FCC regulations.

Chair McKittrick said that it sounds as if the carriers have little consistency in what they present to staff, which an ordinance would address. Mr. Vlasic agreed, adding that the lack of consistent information coming from the same carrier has been particularly frustrating. With T-Mobile, for example, he said, the information has come from consultants, not employees, who apparently don't communicate with each other and seem unaware of conditions with T-Mobile facilities other than what they're working on. It isn't appropriate for the Town to sort out those issues for them. He said the Wireless Task Force has been helpful in coming to grips with this complex situation.

Mr. Vlasic added that it's also important to target dates to involve the community more directly in the process of reviewing the proposed ordinance. He said he'd like to do more public outreach from August into late September. Chair McKitterick concurred, noting that that the public hearing could carry over from one month to the next.

Chair McKitterick expressed thanks for the work of the Wireless Task Force and staff in developing the proposed ordinance, which he described as "certainly more robust" than anything that Portola Valley has tried to do in the past. He suggested starting with questions and comments.

Vice Chair Zaffaroni asked whether Mr. Vlasic is aware of any impending applications that early passage of the ordinance might affect. He said that he has a meeting scheduled with AT&T regarding additional cabinets for its Alpine Road facility across from Alpine Hills, but even without the ordinance in effect, the Town's existing policy statement provides latitude to require more information if it's needed.

In response to a question from Chair McKitterick, Mr. Vlasic said that much of the proposed ordinance is based on discussions with the Town Attorney's office, and that staff, the Wireless Task Force and the Town Attorney are all satisfied with the proposed draft. Chair McKitterick also asked whether the proposal is consistent with ordinance efforts in other communities, or whether it incorporates new concepts. Mr. Vlasic explained that the proposed draft does include some of the newest initiatives drawn from other communities and tweaked to address Portola Valley conditions in particular. He said that the proposal is "pushing the edge" in comparison to other communities – especially those in flatland areas. There have been discussions with representatives of various carriers and their consultants, too, he said, but the feedback has been so inconsistent that it seemed sensible to go through discussions on the proposed ordinance with the ASCC and Planning Commission first, and then seek input from carriers and their representatives during the course of the ordinance hearing process.

Commissioners asked if the proposed ordinance was overly broad so as to encompass WiFi or residential microcells. Mr. Vlasic said that if AT&T put in a DAS that links to in-home facilities, it would be covered, but a resident's router wouldn't be a communication facility regulated by the FCC. He added, though, that he'd check with the Town Attorney to confirm whether the ordinance needs specific exemptions for residential applications and businesses that make WiFi available for customers' use on their properties. Vice Chair Zaffaroni said that it might be a good idea to add residences to the exempt facilities.

In terms of provisions for generator backup, Chair McKitterick asked about the rationale for including it in the proposed ordinance. Mr. Vlasic explained that whether through battery backup or generators, it's important if landlines went down. Even a noisy generator delivering service from cell towers is preferable to having no telephone service in the wake of a disaster or lengthy landline outage.

As far as Planning Commission review of permits every two years is concerned, Chair McKitterick recommended doing that only if concerns about the site have been expressed. He said reviews would be onerous to all parties – the applicant, the Planning Commission and staff – to review a site unless someone is complaining about it or there's reason to believe it's not in conformance.

Commissioner Gilbert said that the reviews could help ensure that equipment on each site is appropriately updated in terms of technological advances. Chair McKitterick said that a review would be to determine whether a carrier is meeting the conditions of a permit; he questioned whether it would be appropriate to tell a carrier to change its technology every two years.

ASCC Chair Aalfs said that a review need not be a lengthy process, but it would give residents a forum in which to provide comments. In that case, Chair McKitterick suggested that staff could request an oral review. Mr. Vlasic said that his preference would be to leave the two-year review provision in the ordinance, perhaps adding language that would enable the Planning Commission to set a different review period under certain circumstances. At the very least, he said, two-year reviews would help ensure that the carriers maintain some contact with the Town about their facilities. Their representatives change and already it's proven difficult to track down the carriers' appropriate contacts. Mr. Vlasic said that maintenance of wireless facilities has been an issue that reviews also could appropriately address.

ASCC Member Breen observed that Section 18.41.080.C.16 does put the burden on the applicant to report to the Planning Commission regarding the latest and least-intrusive technology. Chair McKitterick asked about the rationale for that requirement if the Town doesn't have the authority to make the carrier do anything about upgrading a facility. If the Town Attorney found a reasonable basis, Mr. Vlasic said that the review would at least provide some leverage for communicating with the carrier about the issue.

After Mr. Vlasic explained that timing of the reviews would be linked to each particular permit date, Commissioner Von Feldt suggested that it might be more efficient to review all of the permits at once, an approach that also might facilitate discussions about co-location, new technologies, etc., because it would bring the carriers together. ASCC Chair Aalfs pointed out that Commissioner Von Feldt's suggestion also makes sense from the standpoint of public input.

ASCC Member Breen asked whether existing CUPs would be subject to a new ordinance. With recently issued permits, Mr. Vlasic explained, several associated conditions reflect what the ordinance proposes, but longer-standing permits would be subject only to meeting any revised RF emission standards or changes in applicable FCC regulations.

In terms of the proposed ordinance's RF measuring provisions, Chair McKitterick noted that they would require each new facility to submit annual emission test reports and pay for annual unannounced inspections by a Town-appointed expert. Also, within six months of the ordinance taking effect, existing facilities would have to submit studies showing that they meet the requirements. While aware of the possibility that the federal standard could change, Chair McKitterick said that he isn't sure of those requirements unless there's reason to believe a facility may exceed RF standards. He also asked whether this is a common requirement among other jurisdictions.

Mr. Vlasic said that Portola Valley's proposed ordinance does in fact draw on ordinances in other jurisdictions in this regard, possibly as a direct result of residents' concerns about RF emissions. If the community doesn't feel those requirements are necessary, he said, that could change, but at this point he'd rather err on the side of being overly cautious. ASCC Chair Aalfs agreed, saying that residents might take some comfort in knowing that the RF emissions are examined annually. Vice Chair Zaffaroni also agreed, adding that the affirmative burden of assurance that RF emissions are within the FCC limits should rest with the carrier.

Chair McKitterick asked whether the proposed ordinance is akin to a "gating" approach to discourage carriers from building towers in Portola Valley. Mr. Vlasic said that the plan is to share the proposal with the carriers and listen to what they have to say about it. He also said that based on community interactions, he'd rather the Town be cautious. ASCC Chair Aalfs said that based on experience with T-Mobile, he doesn't sense that the company would consider the monitoring provisions in the proposed ordinance an onerous burden. He also pointed out that the Town's duty is to its residents, not to the carriers. Chair McKitterick did not disagree, but pointed out that residents also want cellular service.

Mr. Vlasic said that it was interesting to participate in the RF monitoring process, see the equipment used in residents' homes and have the ambient conditions measured, and then to go to the individual wireless routers in those homes. He said the metering systems have two levels of sensitivity, and the extremely sensitive monitor showed no reading at all except at the router. Then, he said, within a few feet of the router, that level – not high to begin with, but measurable – dissipated dramatically. In terms of the FCC standards, the levels recorded had no significance, but it was educational in terms of being alert to one's ambient environment.

Commissioner McIntosh asked for the total count of cell towers and cellular facilities located on utility poles in Portola Valley. Referring to the Zoning Map, Mr. Vlasic indicated 10, plus the one approved for Peak Lane. T-Mobile and AT&T have poles on Alpine Road and on Portola Road, and the poles at The Priory also include other carriers. Three poles on Alpine Road have cellular facilities. Commissioner McIntosh asked whether Mr. Vlasic had a sense of the projected magnitude five years out. Based on discussions with the carriers, Mr. Vlasic replied, only T-Mobile – with its recent application – has suggested needing another pole facility. Verizon seems satisfied with the increased coverage it has from the pole at The Priory, he said, but that could change. If a carrier sees economic benefit to expanding service to the Westridge area, which is currently underserved, there may be some pressure for a tower in that area but it has yet to emerge. Mr. Vlasic also noted that in his conversations with Verizon's representative, he's learned that the company has found DAS technology working fairly well in a Southern California community where the topography is similar to Portola Valley's.

Chair McKitterick asked whether the Town is allowing for cube, microcell and DAS technology solutions, given the requirements for 48-hour backup. Mr. Vlasic said that while the backup provision seems to be a standard, there may be ways to modify certain provisions under use permit conditions so as not to discourage such solutions. Mr. Vlasic said that to his knowledge, these technologies don't seem particularly suitable to the Portola Valley environment. Chair Aalfs said that Marty Tenenbaum, another member of the Wireless Task Force, is most familiar with the "smaller" solutions.

Chair Aalfs referred to Section 18.41.070.E.1 in the proposed ordinance, asking Mr. Vlasic whether it should specify that the carrier's named point of contact must satisfy the Town Planner in terms of the contact's knowledge. Mr. Vlasic said that the language proposed in that section is, in his view, sufficient.

Vice Chair Zaffaroni said that she noted different terms used in different places for the carriers' responsible party – permittee, service provider, carrier, facility owner, property owner and applicant. She said that she believes consistency is especially important with respect to commitments about conditions. She cited an example from the Planning Commission's experience after a tower company purchased a pole at The Priory. The tower company owned the pole, The Priory remained the property owner, and both parties had successors in interests and assignees. Noting that in some instances a particular term may be the most appropriate, Vice Chair Zaffaroni suggested that it may be less confusing to use a single term when it's used generically. Mr. Vlasic concurred.

Vice Chair Zaffaroni, referring to a prior communication in which Mr. Vlasic said there was a question whether the proposed ordinance would retain elements of the 1997 Town Council's policy statement, asked what was decided in that regard. He confirmed that the ordinance elaborates considerably on the policy statement, addressing all elements comprehensively except where new language supersedes something in the policy statement.

Vice Chair Zaffaroni also asked whether existing zoning ordinance provisions pertaining to wireless facilities in setback areas (Sections 18.52.120 and 18.72.050.B.2) would change. Mr. Vlasic said that the existing provisions would be superseded because with the proposed ordinance, the base of the installation must be at least 50 feet from any property boundary unless the Planning Commission finds less distance would minimize aesthetic impacts (Section 18.41.080.B.2).

Going page-by-page through the proposed ordinance, participants offered a number of comments (presented in page sequence):

Page 5: Vice Chair Zaffaroni said that she takes serious exception to the significant gap definition in Section 18.41.020.M because she doesn't believe it reflects what the Town wants. To begin with, she said that the opening sentence should start with the word "Gap" rather than the "Significant Gap" term. ASCC Chair Aalfs said that making that change and combining the first two sentences would go a long way toward addressing her concern, and Chair McKitterick agreed.

Page 6: Expressing a similar concern about exempt facilities (Section 18.41.040) that Chair McKitterick noted, Vice Chair Zaffaroni agreed that it would be clearer to add something about residential microcells or picocells, WiFi, and indicate that they also are exempt. Alternatively, she said, there could be a more generic exemption for facilities of less than one watt.

Page 7: Commissioner Von Feldt said that Section 18.41.050.B implies a requirement for faux trees as camouflage, but it appears optional in Section 18.41.080.B.6 (page 12). ASCC Member Clark said that the camouflaged facilities are defined more elaborately in Section 18.41.010 (page 4). Chair McKitterick said that deleting the faux tree reference from Section 18.41.050.B would address the apparent discrepancy that Commissioner Von Feldt noted and help maximize the options.

Page 8: In Section 18.41.070.B, Vice Chair Zaffaroni said that it would be helpful to clarify that an application isn't deemed complete until studies and reports are completed, because that's mentioned elsewhere.

Section 18.41.070.C states that the Town will take action within 90 days on amendments to permits for existing facilities or for co-location of new antennae on existing facilities. Vice Chair Zaffaroni said that as she understands the Town Attorney's memo (page 5), that's required for co-location but not for modification. She said that she can see where an amendment could be comprehensive enough to warrant more time to take action. Mr. Vlasic said that he'd check on this with the Town Attorney.

In terms of permit life in Section 18.41.070.D, she asked whether the 10-year period begins anew when a carrier obtains a CUP amendment to modify an existing facility. Mr. Vlasic that the original 10-year period would remain in effect unless the Town approves a requested extension – based, for instance, on a modification that involves installation of technologically advanced, less-intrusive equipment. If a co-location proposal comes in on a new application, it would have a 10-year life; whether this would affect any pre-existing permit for that facility would have to be addressed at that time. On the same tower, the carrier with the new co-located facility would have a 10-year permit, while another carrier on that same tower might have five years remaining on its permit.

Section 18.41.070.E.2 includes a statement that mentions "the applicant, service provider if different from the applicant, and property owner if different from the applicant." Alluding to her earlier observation about the various parties involved, Vice Chair Zaffaroni said that this is one of the instances that could benefit from consistency in terminology.

Page 10: Section 18.41.070.E.11(a) requires the service provider to identify two viable and technically feasible alternative locations for the facility that have similar or less-intrusive impacts. Vice Chair Zaffaroni suggested deleting "two," and modifying the rest of the language as needed, in consideration of the possibility that there may indeed not be any alternative locations that meet the criteria listed. Mr. Vlasic agreed.

Commissioner Gilbert suggested striking the term "less intrusive," because the application in the first place is meant to be for the "least intrusive" facility.

Commissioner Von Feldt asked what Section 18.41.070.E.11(c) was intended to achieve. In response, Commissioner Gilbert said that it was simply to obtain pros and cons so that it's clear why a carrier chose a particular site for a particular facility. Chair Aalfs said it was also to ensure that the carrier does the necessary homework. Vice Chair Zaffaroni said that some language tweaking might be helpful.

Except in the case of a new application, she said that it's not clear who must meet the particular specific submittal requirements for towers that are spelled out in Section 18.41.070.F. Would this apply when a carrier whose CUP is about to expire comes in 60 days ahead seeking an extension? Would it pertain to co-location applications involving existing towers? Commissioner Gilbert and Chair Aalfs indicated that with modifications ranging from repainting a tower to upgrading from 3G to 4G, it would be incumbent on the applicant to affirm that the modification is the least-intrusive alternative. Mr. Vlasic said that in instances where a carrier wants to extend the CUP, the Town would want the ability to judge the facility against these provisions, but he would check the language for clarity.

Page 11: Section 18.41.080.B discusses development standards that new wireless communications facilities must meet. Vice Chair Zaffaroni wanted to know whether modified facilities should be included as well as new ones. Mr. Vlasic explained that if an applicant seeks to modify an existing permit, the Planning Commission would have the full authority to make the same findings called for in this section, and request any information needed to make those findings. Vice Chair Zaffaroni also pointed out that this section refers to "any" wireless communication facility in some places and "new" facility in other places.

Page 12: Vice Chair Zaffaroni said that in Section 18.41.080.B.3, she was not quite clear about what was intended by the two different phrases "not in residential use" and "not residentially developed." Mr. Vlasic said that if a property has a residence on it – whether occupied or not – it is a residential use. He said that he would clarify the provisions.

Page 13: Section 18.41.080.B.11(d) discusses landscaping, Vice Chair Zaffaroni pointed out, and immediately following, Section 18.41.080.B.12 addresses the Town's authority to require an independent review when a wireless facility may interfere with "the quiet enjoyment of the surrounding area or neighborhood, including adverse visual, noise and aesthetic impacts . . ." She asked whether similar language should apply to failure to maintain landscaping. Mr. Vlasic explained that landscaping maintenance is included in the permit requirements generally and more specifically, in the related landscape agreements.

Page 14: Vice Chair Zaffaroni suggested that Section 18.41.080.C.9, which discusses Planning Commission handling of permit extension requests, be broadened to include the ability to require a facility to upgrade in ways that may not be specifically related to technology. She gave better camouflage as an example of something that might make an existing facility less intrusive. Mr. Vlasic said that he could add a statement indicating that the Planning Commission would reserve the right to add conditions consistent with the intent of the ordinance.

ASCC Chair Aalfs added that this provision in the ordinance discusses renewal applications being submitted six months in advance to give the Town time to review all of the factors. Permit-holders who wait until the last minute would risk having to go through the entire CUP application process again. Commissioner Von Feldt asked if the ordinance makes it clear what happens when permits lapse. Mr. Vlasic advised that the required agreements provide a bond or other surety to guarantee removal so that if a permit does lapse, the Town has a way to ensure removal of facilities.

Section 18.41.080.C.10 requires that the Town be notified when a wireless facility is transferred to another owner. Vice Chair Zaffaroni asked what would happen if the property on which the facility is built changes hands. Mr. Vlasic said he could add that element.

Commissioner McIntosh said that giving carriers a maximum of 48 hours to repair "any damage from any cause" (Section 18.41.080.C.2) seems onerous, and that it should be one week. In terms of Section 18.41.080.C.6, he suggested a change whereby the Planning Commission may renew a use permit for "up to" a single one-year period.

In terms of Section 18.41.080.C.11, requiring certain agreements to be in place "prior to installation," Vice Chair Zaffaroni suggested that those agreements should be in place as early as possible – such as "prior to issuance of a Site Development Permit." In response, Mr. Vlasic explained that "installation" means having a building permit that allows construction to begin, and building permits won't be issued without these agreements in place, but he will change "prior to installation of" to "prior to issuance of a building permit for."

Page 15: ASCC Member Clark pointed out that Section 18.41.080.C.12 indicates that the carrier must add new landscaping if plantings installed don't achieve the screening anticipated by the landscape agreement. He said that he recalled from discussions regarding the Peak Lane site that T-Mobile wasn't prepared to agree to that. He said it seemed unreasonable to go back after the fact to tell a carrier that something the Town agreed to is no longer satisfactory. Mr. Vlasic explained that the yet-to-be-finalized T-Mobile agreement indicates that T-Mobile has been advised of the objectives of the landscaping, and is selecting the materials on that basis. If those materials fail to achieve the intended result, the Town will be able to have the company find something that will work better.

ASCC Member Breen added that T-Mobile provided schematic renderings to show the neighbors what the landscaping and screening should look like in five and 10 years' time.

ASCC Member Clark suggested revising the second sentence in Section 18.41.080.C.13 to make it clearer. Mr. Vlasic concurred.

Page 15: Section 18.41.080.C.16 begins with, "As new technology becomes available, the permittee shall upgrade . . ." In this context, Vice Chair Zaffaroni asked whether this would require an application for a CUP amendment. Mr. Vlasic said that a less-intrusive design could be authorized pursuant to this condition without amending the CUP.

Page 16: Vice Chair Zaffaroni pointed out that Section 18.41.090.A specifically indicates that carriers are required to apply for a CUP amendment for “any physical modification of a facility pursuant to this Chapter . . .” Mr. Vlasic said that if a carrier came in with a proposal that would make a facility less intrusive, and he concluded the changes were otherwise in substantial compliance with the approved permit, the Town Planner could approve them, but would expect to share any such changes with the Planning Commission for concurrence before allowing the carrier to proceed.

ASCC Member Clark asked whether the language here should give the Town discretion to require a peer review to ensure carriers’ claims in these instances. Mr. Vlasic said that the proposed ordinance does include the fact that the Town may require a peer review of anything that warrants it.

Commissioner Von Feldt asked whether the Town may require upgrades if new technology emerges while the CUP is in effect. ASCC Chair Aalfs said the biennial review provision would cover that.

Page 16: Vice Chair Zaffaroni also called attention to the first sentence in Section 18.41.090.A, suggesting that some revisions might make it clearer.

Page 17: Commissioner McIntosh, concerned that the process of annual reviews of each permitted facility will be especially burdensome to the Town, asked whether “may” could be substituted for “shall” in Section 18.41.100.2. Chair McKitterick said this question goes back to his earlier point; unless there’s a scientific or engineering need, he doesn’t understand the need for required annual reviews. Commissioner McIntosh said that he agreed. Mr. Vlasic said that he doesn’t mind providing the latitude implied by “may” versus “shall.”

In terms of Section 18.41.100.2, Commissioner McIntosh said that carriers might balk at the idea of having a single staff person with the power to decide whether a facility has to prove it’s in compliance.

Chair McKitterick questioned the need for a “wet-stamped” engineer’s report when engineers are brought in to examine a facility’s structural stability in the wake of significant storms, seismic events, etc. (Section 18.41.100.3.B). Mr. Vlasic said that a signed engineer’s report” should be sufficient.

In regard to Section 18.41.100.4.B, which requires any facilities operating prior to enactment of the ordinance to submit certain documents within six months of the date the ordinance takes effect, Commissioner Gilbert pointed out that the Town Planner may receive a flood of paperwork all at once. Also noting that noncompliant facilities will have to cease operations, she asked if that also would apply if landscaping fails to meet CUP conditions. Mr. Vlasic said that we’d probably have some latitude in that regard, but he prefers having the leverage in the ordinance.

Page 18: To be consistent with a previous language change affecting Section 18.41.080.C.6 in regard to Developmental Standards Commissioner McIntosh suggested stating that the Planning Commission may renew a use permit for “up to” a single one-year period in Section 18.41.110.A.1 (Duration of permits and approvals).

Under “Discontinuance of use” in Section 18.41.110.B, ASCC Member Breen asked whether any bonds language should be included to avoid the possibility of being left with abandoned poles. Mr. Vlasic said that one of the standard conditions requires posting a bond or other surety to guarantee removal. Vice Chair Zaffaroni added that this is covered in Section 18.41.080.C.11.

In the same section, Commissioner McIntosh asked about the review of site conditions after removal of a facility that is no longer in use. Mr. Vlasic said that as a matter of course, any plan for restoration would be presented to the ASCC.

Page 19: In Section 18.41.110.B, Vice Chair Zaffaroni questioned allowing existing facilities to continue “as they presently exist” as legal nonconforming uses, suggesting it may be appropriate to add a qualifier lest present conditions fall below the standards of their CUPs. Mr. Vlasic said he would modify it. Vice Chair Zaffaroni also suggested allowing “required” maintenance rather than “routine” maintenance. Mr. Vlasic added that these carriers wouldn’t be bound by the new ordinance if they maintain their facilities and

comply with their existing permits, but if they made more significant modifications, they would require CUP amendments pursuant to the provisions of Chapter 18. A new CUP also would be needed by a carrier coming in to co-locate with an existing facility; while this wouldn't void the existing facility's CUP, the co-location would trigger substantial review of the facility associated with the added burden of another carrier.

Mr. Vlasic said that he would incorporate revisions based on tonight's input and bring the proposed ordinance back – possibly in a follow-up study session – for a public hearing in August. As far as feedback from the carriers goes, he said the public hearing process would be the best way to handle it. He explained that he would distribute the proposed ordinance to the carriers in advance.

The joint study session adjourned at 9:35 p.m.

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

Chair McKitterick reported that the Town Council will re-charter the Traffic Committee to be the Bicycle & Traffic Committee. Now consisting of only Chris Buja and one other member, the Committee is considering changes to its charter to submit to the Council, and then seek new members, probably in August. Among the things to be explored is the use of "share the road" type signage on the roads to make both bicyclists and drivers more aware of each other. Chair McKitterick said that he intends to serve on the Committee.

APPROVAL OF MINUTES

Commissioner Gilbert moved to approve the June 1, 2011 minutes of the Planning Commission Regular Meeting, as amended. Commissioner Von Feldt seconded, and the motion passed 3-0-2 (McIntosh and McKitterick abstained).

ADJOURNMENT: 9:41 p.m.

Nate McKitterick, Chair

Tom Vlasic, Town Planner



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Planning Commission and ASCC
FROM: Tom Vlastic, Town Planner
DATE: June 9, 2011
RE: June 15, 2011 Study Session on Proposed Revisions to Zoning Ordinance
New **Chapter 18.41, Wireless Communication Facilities**

(This subject study session is the only item on the June 15, 2011 meeting agenda.)

Background and Purpose of Study Session

As planning commissioners and ASCC members are aware, over the past several months we have been working with the Wireless Taskforce to develop new policies, guidelines and regulations for control of placement of wireless facilities in the town. Commissioner Gilbert and ASCC member Aalfs are members of the taskforce. Based on the work of the taskforce, a draft ordinance has been prepared as explained and included with the attached May 5, 2011 memorandum to the town council. The ordinance was developed with significant input and review by the town attorney and also reflects efforts underway in other jurisdictions to regulate placement of wireless facilities.

On May 11, 2011 the town council considered the attached May 5, 2011 memorandum, the background materials provided with it and the attached draft ordinance. Council members offered very positive comments in support of the draft and directed that the materials be forwarded to the planning commission and ASCC for pursuit of the public outreach process.

The first step in the process will be the June 15, 2011 joint study session of the planning commission and ASCC. At the end of this session we want to identify dates for the public hearings to begin before the planning commission and then to reach out to the community and wireless carriers to specifically notify them of the hearing process and seek input on the draft ordinance. Before this more extensive outreach effort, however, we wanted to share the background materials with the planning commission and ASCC for information and feedback.

Next Steps

The planning commission and ASCC should conduct the June 15th study session, offer comments on the draft ordinance and then set a schedule for the public hearing and outreach process.

TCV

attach.

cc. Angela Howard, Town Manager
John Richards, Town Council ASCC Liaison
Ann Wengert, Town Council Planning Commission Liaison
Sandy Sloan and Leigh Prince, Town Attorney
Wireless Task Force members



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Town Council
FROM: Tom Vlastic, Town Planner
DATE: May 5, 2011
RE: Wireless Taskforce Recommendations for Revisions to Zoning Ordinance
New Chapter 18.41, Wireless Communication Facilities

Draft Ordinance and Request for Council Concurrence with Taskforce Suggestions

As council members are aware, over the past several months we have been working with the Wireless Taskforce to develop new polices, guidelines and regulations for control of placement of wireless facilities in the town. Taskforce members are:

Ted Driscoll, Mayor
Denise Gilbert, Planning Commission
Jeff Aalfs, Chair ASCC
Ken Levine, Cable & Undergrounding Committee
Marty Tenenbaum, Community Representative

Leslie Lambert is also a member of the taskforce, but has not been able to participate. Leigh Prince of the town attorney's office has also been directly involved with the process.

Based on the work of the taskforce, and review and input by the town attorney, a draft ordinance has been prepared to bring together town wireless policies, guidelines and regulations in one place, and this would be a new Chapter in the zoning ordinance. The draft ordinance is attached. The Taskforce suggests that the town council direct staff to work with the planning commission and ASCC to begin the public hearing process on the ordinance with the full understanding and appreciation that the planning commission meetings will provide the opportunity for public outreach and involvement on the draft ordinance. If the council concurs, we would intend to proceed with this effort, starting with a joint meeting of the planning commission and ASCC in early June.

Background

Based on the experience with the T-Mobile application for the antenna at the water tank site on Peak Lane (CUP X7D-170), the town was made clearly aware of the limits placed on local governments relative to regulation and control of new wireless facilities. Nonetheless, the taskforce, working with our assistance and input from the town attorney, considered

conditions in town and actions being taken by other jurisdictions to control the impacts of new wireless antenna facilities and changes to existing wireless facilities. Over the course of the past several months, the taskforce considered data and information summarized in our attached February 4, 2011 report and the October 6, 2010 report from the town attorney. Other documents were also considered and a presentation to the taskforce was made by Leigh Prince to further explain the regulatory environment impacting town efforts on this matter.

Based on directions provided at the February 8, 2011 task force meeting, we proceeded to prepare the attached draft ordinance. It was concluded that this level of detail was needed as much of the thrust of the possible guidelines and regulations focus on process and procedures and set a more comprehensive basis for application review and conditional use permit findings. Given the nature of the community, it is difficult to prohibit facilities in residential areas without facing conflict with FCC constraints. Nonetheless, efforts are included in the draft to direct new wireless facilities to locations and settings with the minimum potential for aesthetic impacts and intrusiveness. Further, we have pushed for technologies that would have the least potential for visual impacts, again within the limits of the FCC provisions as clarified by the town attorney.

An early draft of the ordinance was shared with the taskforce at its March 29, 2011 meeting (see attached report for the March 29, 2011 meeting). Based on input received at that meeting, the draft ordinance was revised and re-circulated to taskforce members. The attached draft ordinance includes additional input, mostly minor edits, offered based on this circulation.

The more significant changes made to the draft after the March 29th meeting, i.e., to address specific taskforce comments, are highlighted below. Again, after the changes were made, the revised draft was circulated to taskforce members for concurrence. The more significant changes were:

- Addition of a detailed table of contents to facilitate review.
- Elimination of duplicative provisions. This was based on good input from Denise Gilbert provided in an email after the 3/29 meeting. There is still some apparent overlap as, for example, some provisions listed under development requirements (page 10-11) are also addressed under standard conditions (page 12), but in a somewhat different manner. While we considered further modifications, we concluded that the apparent overlap was not a problem given the location and intent of the specific provisions.
- Elimination of any relief from RF monitoring requirements for DAS or similar systems (page 5). Now the only real incentive for such systems is the "preference" and a shorter processing period. The "preference" is not insignificant in terms of the review process, and this is underscored by factors that allow for making findings on the "least intrusive" alternative.
- Addition of Section 18.41.070.E.2. (page 7) to require both the applicant/carrier and property owner to confirm and acknowledge responsibility for the application and facility. This is covered also in standard condition 11 (page 13), but it was suggested that it be highlighted in the application requirements, too.

- Revised Section 18.41.070.E.7. (page 8) to reflect modifications to the provisions for "coverage analysis" that were requested by the taskforce. Two original provisions were combined and the wording modified to clarify the requirements.
- Relative to co-location, we had discussed clarifying standard condition 15 (page 14) as to how many carriers might co-locate on a facility. It now provides for up to two additional, if analysis of the specific proposal supports such additional future facilities.

Next Steps

As noted above, the taskforce recommends that the draft ordinance be forwarded to the planning commission so that the public outreach/hearing effort can proceed. This will provide a framework for publicly presenting the background on the draft, the constraints faced by the town and the efforts that have been made to not only limit impacts of wireless facilities, but also meet local wireless needs in as appropriate manner as possible. As is normal for such public review, it is anticipated that proposed changes to the draft will be identified and that these will have to be carefully considered before the ordinance would be ready for any final adoption. We would look forward to working with the taskforce, planning commission, ASCC and public on this effort.

TCV

attach.

cc. Angela Howard, Town Manager
Nate McKittrick, Planning Commission Chair
Sandy Sloan and Leigh Prince, Town Attorney
Wireless Task Force members



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Mayor and Councilmembers

FROM: Sandy Sloan, Town Attorney

DATE: November 10, 2010

RE: **T-Mobile Appeal**

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

1. Telecommunications Act

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

2. Radio Frequency Emissions

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

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

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

3. Aesthetics

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

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

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

4. Significant Gap

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

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

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

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

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

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

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

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

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

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

5. Least Intrusive

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

6. Time for Processing Applications

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

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

cc: Town Manager
Town Planner



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Town Council
FROM: Tom Vlastic, Town Planner
DATE: October 17, 2011
RE: Planning Commission Request for Town Council Consideration and Clarifications, General Plan Provisions, "*Meadow Preserve*"

Request and Town Council Consideration and Action

Provided herewith is the October 3, 2011 memorandum from the planning commission requesting town council consideration of questions and clarifications relative to the "meadow preserve" provisions of the General Plan. It is hoped that at the October 26th meeting the council would be able to address the questions and provide the requested clarifications so that the planning commission can continue to consider the Conditional Use Permit (CUP) proposals for the meadow preserve area as requested by Dr. Kirk Neely and Ms. Holly Myers, i.e., CUP X7D-169. Tentatively, the commission meetings on the CUP would take place in November and December, but this will depend on the outcome of the town council's consideration of the planning commission's general plan questions and concerns.

If the town council concluded that some formal reconsideration of general plan provisions was necessary before full responses to the planning commission memo could be provided, that could impact the schedule for consideration of the CUP application. At the same time, the council could address the various questions and requests for clarifications at this time, but also determine that eventually, the general plan provisions might need to be better clarified to be fully consistent with any council conclusions and interpretations of the various meadow preserve provisions.

Recommendation

At this point, it is suggested that the Council consider and, if at all possible, reach conclusions relative to requests from the planning commission so that the commission can continue to process the CUP application in a timely manner.

TCV

Encl.

cc. Angela Howard, Town Manager
Planning Commission
Sandy Sloan, Town Attorney

Leslie Lambert, Planning Manager
Dr. Kirk Neely and Ms. Holly Myers



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Town Council
FROM: Planning Commission
DATE: October 3, 2011
RE: Request for Town Council Consideration and Clarifications,
General Plan Provisions, "*Meadow Preserve*"

On September 21, 2011, the planning commission considered the "Meadow Preserve" provisions of the General Plan, both as existed prior to general plan amendments adopted by the town council in May of this year, and the May amendments. These prior and current provisions are discussed in more detail in the attached September 15, 2011 memorandum from the town planner to the planning commission. At the conclusion of the September 21st commission discussion, commissioners concurred that clarification of the provisions was needed from the town council. The commission is seeking this clarification before it must address zoning ordinance required conditional use permit (CUP) findings for general plan consistency relative to CUP proposals of Dr. Kirk Neely and Ms. Holly Myers for the "Meadow Preserve" portion of their 229-acre parcel. At the 9/21 meeting, the commission did not discuss the CUP application or its merits, but only focused on questions relative to the "Meadow Preserve" provisions and how they should be applied or interpreted.

Following the commission discussion, it was agreed that this memo would be prepared to focus commission requests for clarification and questions. Commissioners Denise Gilbert and Alex Von Feldt developed the memo on behalf of the commission with the assistance of the town planner. Commissioners will also be present at the town council meeting when this matter is on the agenda to answer any questions council members may have.

The key questions and issues the commission is seeking council guidance on are set forth below. (Note: At this point, due to the illness of the meeting minutes transcriber, it is not certain that the minutes from the 9/21 meeting will be available for reference.)

- 1. Which general plan provisions should the planning commission use to judge proposals for the Meadow Preserve area relative to the revised Neely/ Myers CUP application? Specifically, should the commission use the language that existed prior to the May amendments or the amended language?**

The town attorney has advised that it is up to the town to decide which version it wants to refer to. She noted that a change in language could be used in dealing with an application, even if the change occurred after the application has been filed. At the same time, the town has typically acted to make use of the provisions that existed at the time any specific land use application was filed.

(For clarity, the town attorney concluded that the current Neely/Myers CUP application is a revision to the application filed originally in 2009, prior to adoption of the amended general plan language in May 2011.)

Also, for reference, prior to the May 2011 general plan amendments, the key Meadow Preserve wording was in the recreation element of the general plan and specifically stated the intent for the preserve as follows:

"Meadow Preserve, proposed for the large field adjoining Portola Road and north of the Sequoias, lies astride the San Andreas Fault and is visually important to the entire quality of the valley. This preserve should be kept largely open, the existing character preserved, and present agricultural uses maintained." (2313)

With the recent amendments, these provisions were moved to Section 2216.2 of the open space element and modified to read:

"The Meadow Preserve, the large field adjoining Portola Road and north of the Sequoias, lies astride the San Andreas Fault and is visually important to the entire quality of the valley. This preserve should be kept in a natural condition and the existing agricultural character preserved."

The Meadow Preserve is a "Community Preserve," as defined in the general plan, and in both the previous and amended version the definition of Community Preserve is the same. The previous version of the recreation element stated that these are, "*scenic areas kept essentially in a natural state for the benefit of residents of the town. Such preserves provide visual pleasure and accommodate very limited access and use, such as trails and paths*" (2302). These provisions were moved to Section 2203 of the amended open space element and, again, the specific wording was not changed.

Planning commissioners struggled with finding consistency with both the **prior** and **amended** wording and, particularly, noted the following with questions for the council:

- The amended language states that the meadow should be kept in a "*natural condition*" and the "*existing agricultural character preserved.*"
 - (i) Some commissioners felt that keeping the meadow in a "natural condition" conflicted with preserving the "existing agricultural character". It can either be in a natural state OR developed for agricultural uses. You can have one or the other but not both. What was the council's intent when it used both the terms "natural condition" and "the existing agricultural character preserved"?

- (ii) When the planning commission recommended adding the term "natural condition" to the general plan Meadow Preserve wording in its general plan work prior to the May town council amendments, it was using the term "natural condition" as defined in Section 2204 which dealt with Open Space Preserves. Section 2204 of the amended plan specifically defines "natural condition" as an area with limited permitted uses as described in items 1 through 9 of the section. This includes: "retaining the land in a natural condition", "Such preserves provide visual pleasure and accommodate very limited access and use..." and "Permitted outdoor uses are those that do not require structures...do not result in modification of the site." However, since the town council amended the General Plan so that the open space preserve limitations in Section 2204 apply only to open space preserve areas owned by the town – than this definition of natural condition no longer applies to the Meadow Preserve. What did the council intend should be used as criteria for judging "natural condition" for this preserve?
- (iii) The planning commission struggled with what the town council meant by "existing agricultural character" for the Meadow Preserve, as the meadow currently has no agricultural uses and appears to have had none for some time. Did the town council mean "historical" agricultural uses? There is some history of a haying operation on the meadow – was the Town Council's intent that a haying operation could be permitted? What about agricultural uses other than what the meadow has been used for historically – perhaps an orchard? A vineyard? A vegetable operation? Since there is a CUP application before the commission that specifically raises this issue the council's discussion could bear directly on the commission's decision with respect to the application and thus it is important to determine what should be spelled out in the General Plan and what should be left to the judgment of the Planning Commissioners. If other agricultural uses, besides a haying operation, are found to be consistent with the language, can the commission exercise its judgment to limit the types and area of other agricultural uses to locations that have minimum visual impact on the "existing character" of the meadow?
- The prior version calls for the preserve being kept "largely open", preservation of the "existing character" and maintenance of "present agricultural uses."
 - (i) The "existing character" is an open grassy meadow consisting predominantly of weeds with one section, the knoll on the western edge of the meadow furthest from Portola Road, dominated by native plants including native roses. It is an open view shed where users of the trail along Portola Road can see the broad meadow frequented by wildlife including deer and coyote.
 - (ii) There do not now appear to be any "present agricultural uses". Thus, the commission recommended deleting the phrase "present agricultural uses." If the council decides the commission should use the prior version in evaluating the Neely/Myers CUP - Does the council believe that the phrase "present agricultural uses" should apply to historical agricultural uses (namely a haying operation) since the meadow appears to have been used for growing hay in the years prior to the time the General Plan was

conceived, and perhaps for some time after town incorporation, and the original Meadow Preserve language drafted?

- (iii) The term "largely open" left significant room for interpretation. Does "largely open" allow for a structure? To eliminate the ambiguity in the phrase the commission recommended deleting it and replacing it with "kept in a natural condition." This was consistent with Section 2203 (prior Section 3201) which says that "Community Open Space Preserves are scenic areas kept essentially in a natural state..." and Section 2204 which states "Open Space Preserves are areas to be kept largely in a "natural" condition" as defined in items 1 through 9 eliminating any ambiguity. If the town council decides that the commission should use the prior version does the wording provide the commission with some flexibility in determining if agricultural structures/ buildings could be allowed if they are sited to minimize the visual impacts on the "existing character"?

NOTE: The amended version proposed by the planning commission said "This preserve should be kept in a "natural condition" and the "existing character preserved." The commission discussed the ambiguity in this version as well. (i) "Natural condition" with respect to the Meadow Preserve can no longer be defined as in Section 2204 since the council decided that this section no longer applies to privately owned preserves, such as the Meadow Preserve. (ii) Should "existing character" be determined strictly – as an open fallow field – or historically which might include a haying operation?

In summary, the commission found consistency issues with both the prior and amended language. Council direction will be important in helping the commission in coming to grips with the intent of the "Meadow Preserve" provisions.

2. Why was the decision made to limit the descriptions in Section 2204, 1-9, to only town owned open space preserves?

When the planning commission was discussing the open space element amendments, it assumed that the open space preserve definition was to apply to all such areas described in the general plan and not only town owned preserves. With the changes made at the May 25, 2011 council meeting, it is not clear as to how the council reached the decision to make the changes relative to limiting the application to only town owned preserves. Understanding the council's thinking and conclusions would also assist the commission in reconciling the apparent inconsistencies in the language for the meadow preserve. It would likely help in both the application of the prior or amended language.

Commissioners also commented that it would have been helpful to them, if prior to adopting the changes made at the May 25, 2011 town council public hearing, the changes would have been referred to the planning commission for review and comment. It is quite possible that the town council's decision, that Open Space Preserve limitations in Section 2204 do not apply to privately owned lands, may have resulted in other inconsistencies in the General Plan besides the possible uses of the Meadow Preserve. If the planning commission were provided the opportunity to review this change in light of the other provisions in the General Plan these inconsistencies could have been

addressed. Some members of the public who spoke at the September 21, 2011 planning commission meeting also offered that the town might have benefited from more discussion of the changes prior to action by the town council, particularly the change to limit application of Section 2204 to only town owned preserves.

In any case, commissioners look forward to town council consideration of the above questions and requests for clarifications and the commission will be represented at the meeting when the council discusses this matter to answer any questions.

DG/AVF/tcv

Encl.
Attach.

cc. Angela Howard, Town Manager
Sandy Sloan, Town Attorney
Tom Vlastic, Town Planner
Leslie Lambert, Planning Manager
Dr. Kirk Neely and Ms. Holly Myers



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Planning Commission
FROM: Tom Vlastic, Town Planner
DATE: September 15, 2011
RE: Discussion of General Plan Provisions, Meadow Preserve and Possible Request for Town Council Clarifications

Background

On August 17, 2011, the planning commission initiated preliminary review of the revised conditional use permit application X7D-169, Neely/Meyers, for the 229-acre property at 555 Portola Road. The review was based on information provided in an August 11, 2011 staff report to the planning commission and the review continued on August 22, 2011 at a joint site meeting with the ASCC and other interested town citizens and committee representatives. During the course of these meetings, some questions were raised regarding the interpretation of the provisions of the recently amended general plan open space element for the "meadow preserve" portion of the property where the use permit proposes to locate an agricultural building, grow and harvest hay, and grow and harvest fruits and vegetables.

At the September 7, 2011 commission meeting staff suggested that the commission consider discussing concerns over general plan meadow preserve wording and interpretation and, if necessary, seek town council clarification. This was suggested as the council made changes to the wording in taking final action on the general plan open space element amendments in May of this year after the commission had completed its review and recommendations on the element amendments. Planning commissioners concurred that they would like to discuss concerns over the general plan meadow preserve provisions and, therefore, the matter was placed on the September 21, 2011 agenda for discussion.

This is not intended to be a discussion of the merits of the revised CUP application, but only to focus on any concerns over the clarity of the general plan language so that when the commission does formally consider the CUP again, it is satisfied as to the meaning of the general plan as amended by the town council and the differences between the provisions of the amended general plan and the language that existed when the CUP request was originally filed in 2009.

The following comments are offered to assist the planning commission in formulating its thoughts and any questions it may want to forward to the town council for response and/or

clarification. This is not intended to be a comprehensive review of the general plan, but only to focus on the key provisions we have heard may be proving difficult in terms of judging the use permit proposals.

Amendments to Open Space Element of the General Plan approved by Town Council on May 25, 2011

As explained in our August 11, 2011 report to the planning commission, following resolution of an appeal matter, Dr. Neely became aware of the proposed amendments to the open space element of the general plan. He considered the changes relative to "Open Space Preserves" in general and the meadow preserve in particular. Based on this consideration, he forwarded the attached May 25, 2011 letter to the town council that was considered at the council's May 25th public hearing on the general plan amendments. In light of the concerns, the council modified the proposed general plan wording to clarify that the open space preserve limitations in Section 2204 apply *only* to open space preserve areas owned by the town. Further, the council agreed to modify Section 2216.2 to read, "The Meadow Preserve should be kept in a natural condition and the existing agricultural character preserved." The council discussion on the matter is contained in the attached minutes of the May 25, 2011 meeting. The final adopted open space element, including wording for Sections 2204 and 2216.2, is attached.

Based on the changes agreed to by the council, it was understood that agricultural uses, which include related structures, could be considered on the property as long as the basic character of the meadow was preserved. This understanding was based on the action to limit Section 2204 provisions to only open space preserves owned by the town.

For reference, prior to the recent amendments to the general plan, the specific open space element language pertaining to the meadow preserve and other general plan provisions were as noted below. General plan section numbers are shown in parentheses.

1. **General plan diagram.** The diagram shows the majority of the meadow area as "proposed meadow community preserve" with the area immediately adjacent to Portola Road, i.e., east side of the meadow preserve, and Sausal Creek, i.e., west side of the meadow preserve to the base of the slopes, as greenway. These areas were not changed with the recent general plan amendments.
2. **Meadow preserve defined.** In the open space element, the meadow community preserve was defined as "intermediate-scale of open space," generally 5 to 50 acres. It is noted that these areas have the "unifying element of openness in the middle ground with a definite background limit to one's view." (2204). The meadow area is roughly 15-18 acres in size. These provisions were not changed with the recent amendments, but are now located in Section 2206.

Community Preserve was also defined and described in the previous version of the recreation element, which stated that these are, "scenic areas kept essentially in a natural state for the benefit of residents of the town. Such preserves provide visual pleasure and accommodate very limited access and use, such as trails and paths." (2302). These provisions were moved to Section 2203 of the amended open space element.

The previous recreation element continued to state specifically regarding the intent for the Meadow Preserve:

“. . . proposed for the large field adjoining Portola Road and north of the Sequoias, lies astride the San Andreas Fault and is visually important to the entire quality of the valley. This preserve should be kept largely open, the existing character preserved, and present agricultural uses maintained.”
(2313)

These provisions were moved to Section 2216.2 of the amended open space element and modified to read:

“The Meadow Preserve, the large field adjoining Portola Road and north of the Sequoias, lies astride the San Andreas Fault and is visually important to the entire quality of the valley. This preserve should be kept in a natural condition and the existing agricultural character preserved.”

Since X7D-169 is viewed as an amended application, it could be concluded that it should be judged under the general plan language that existed at the time it was filed, and this was prior to the recent amendments. At the same time, it is likely that some of the questions that have been raised relative to the general plan intent for agricultural uses would pertain for either version, specifically, the scope of appropriate agricultural uses.

During the original commission discussion of the open space element amendments on agricultural uses, there was some concern that there where no such uses now “present,” and the commission recommended removal of the reference to agricultural uses. The changes approved in May by the town council changed the agricultural provisions from “present agricultural uses maintained” to “existing agricultural character preserved.” The modified language would appear to provide for a broader interpretation relative to uses that would support preserving the existing agricultural character.

Questions Staff is aware of and Conservation Committee September 5, 2011 Input

The specific concerns that staff is aware of focus on the agricultural uses that don't appear to have any historic standing. Specifically, it appears that the photo records for the meadow since roughly 1948 show tilling for largely haying activities and these include tilling over even the “knoll area” considered during the August 22, 2011 site meeting and mentioned in the attached September 5, 2011 memorandum from the conservation committee. There does not appear to be any data on other agricultural uses, but we don't have a longer history of all activities that may have taken place in the meadow. Nonetheless, in terms of the town's planning period, i.e., since incorporation in 1964, we only have a photo record of haying and/or grassy uses.

The above notwithstanding, it might be possible to conclude that other agricultural uses would support “preserving the existing agricultural character,” as long as the “natural condition” of the meadow area is also protected. Clearly, there is a difficult balancing of intent, and some of the comments staff has received, including the comments in the attached memorandum from the conservation committee, find it difficult to conclude that any non-haying fruit and vegetable uses could be found consistent with either the previous or amended general plan provisions. The worry is over the visual impacts and particularly, necessary support uses and elements including protective fencing.

Relative to the conservation committee memorandum, a few clarifications appear needed. The reference to "conservation element section 2204, paragraph 4" on page two is incorrect. Specifically, this is the section in the amended open space element that only pertains to a town owned "open space preserve." Further, the use permit agricultural proposals are to be irrigated by existing spring water and that water is not to be pumped from the ground. Also, the agricultural use plan proposed with the amended use permit states that, "Fertilizer, if needed, will be organic. Pesticide use will be minimal."

Obviously, details for the agricultural uses and activities would be needed to address the concerns that have been identified, but these should be debated as part of the use permit discussion. The focus for the 9/21 discussion should be on the basic general plan provisions and any concerns and questions the commission wishes to refer to the town council for direction prior to further consideration of the use permit meadow preserve area proposals.

Actions

No formal action is called for at this time. The planning commission should, however, identify specific questions or concerns relative to meadow preserve provisions and seek town council guidance for application in considering the specific proposals in revised CUP application X7D-169. Hopefully, such questions could be considered by the council in October, so that CUP processing can continue within a reasonable time frame.

TCV

Encl.
Attach.

cc. Angela Howard, Town Manager
Sandy Sloan, Town Attorney
Carol Borck, Planning Technician
Leslie Lambert, Planning Manager
Ted Driscoll, Mayor
Ann Wengert, Town Council Liaison
Conservation Committee
Dr. Kirk Neely and Ms. Holly Myers
Kevin Schwarckopf, CJW Architecture

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WILLIAM R. GARRETT
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May 25, 2011

Margaret Sloan, Esq.
Via E-Mail: ss@jsmf.com

Re: 555 Portola Road – Proposed General Plan Amendment

Dear Sandy:

I understand the Council will be considering proposed amendments to the General Plan at tonight's public hearing. My clients, Kirk Neely and Holly Myers, object to the proposed General Plan amendments that pertain to their property at 555 Portola Road. The existing General Plan describes a portion of their property referred to as the "Meadow Preserve" in Section 2313, as part of the Recreation Element of the General Plan. The existing General Plan "proposes" that the "Meadow Preserve" be kept "largely open, existing character preserved, and present agricultural uses maintained."

The proposed amendments to the General Plan move the Meadow Preserve from the Recreation Element to the Open Space Element. The reference to and description of the Meadow Preserve now appears in the amended Section 2216, subparagraph (2) under the topic "Community Open Space Preserves". The new language says: "This preserve should be kept in a natural condition and the existing character preserved." This represents a very significant change in the description of the potential use of that property. The current General Plan describes the proposed use as "largely open" with present agricultural uses maintained. The amendment uses the terminology "natural condition" and eliminates any reference to agricultural uses.

The new definition of "Open Space Preserves" contained in proposed amended Section 2204 requires that areas described as open space must comply with the definition contained in Section 2204, which means kept largely in a "natural" condition with permitted uses that do not require structures, and include such activities as "tossing Frisbees and kite flying." Permitted structures would include benches, trail signs, temporary scientific instruments, bridges and board walkways.

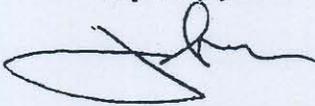
Margaret Sloan, Esq.
Page 2 of 2
May 25, 2011

On its face, the practical effect of adopting the proposed General Plan Amendment would be to convert a large portion of my clients' property from its present use to Open Space Land, without any potential for realization of any economic benefit from the land, including agriculture. The contrasting wording of Section 2204 of the proposed amendment, and Section 2205 of the proposed amendment, is interesting. Section 2205 of the proposed amendment incorporates the definition of Open Space Land contained in state statutes, referring specifically to Government Code section 65560. The proposed amendment then states that that definition is intended as a guide, but does not preclude Portola Valley from adopting its own more restrictive definition. Indeed, Section 2204 of the proposed amendment does adopt a new more restrictive definition, and says that whenever the term "Open Space Preserve" is used to designate property in the Town, that "it must comply" with the Town's definition, which is more restrictive than the State's definition of open space.

The objectionable nature of the proposed amendment could easily be modified to avoid it being interpreted as a "taking." Section 2204 could be changed so that the second sentence thereof would read: "Consequently, whenever an area is ~~dedicated or~~ acquired as an Open Space Preserve in this Element, it must comply with the following definition:" Likewise it would help to retain the reference to agricultural use.

On behalf of my clients, I respectfully request that the Council be advised of this objection to the proposed amendment, and of our proposal for modifications.

Very truly yours,



John Paul Hanna

JPH:sm

cc: Kirk E. Neely (neely@stanford.edu)
Angela Howard, Town of Portola Valley (ahoward@portolavalley.net)
George Mader, Spangle Associates (mader@spangleassociates.com)
Ann Wengert, Town of Portola Valley (awengert@portolavalley.net)
Ted Driscoll (ted@driscoll.net)
Tom Vlasic, Spangle Associates (vlasic@spangleassociates.com)

TOWN COUNCIL MEETING NO. 814, MAY 25, 2011

Mayor Driscoll called the meeting to order at 7:30 p.m. Ms. McDougall called the roll.

Present: Councilmembers John Richards and Steve Toben; Vice Mayor Maryann Derwin; Mayor Ted Driscoll

Absent: Councilmember Ann Wengert

Others: Janet McDougall, Assistant Town Manager
Sharon Hanlon, Town Clerk
Sandy Sloan, Town Attorney
Howard Young, Public Works Director
George Mader, Planning Consultant

ORAL COMMUNICATIONS

None

CONSENT AGENDA [7:32 p.m.]

- (1) Approval of Minutes of Town Council Meeting of May 11, 2011 [*removed from Consent Agenda*]
- (2) Ratification of Warrant List of May 25, 2011 in the amount of \$408,136.24
- (3) Recommendation by Assistant Town Manager – 2011-2012 Woodside Highlands and Wayside II Road Maintenance District Tax Assessments [*removed from Consent Agenda*]

By motion of Councilmember Richards, seconded by Vice Mayor Derwin, the Consent Agenda (Item 2) was approved with the following roll call vote:

Aye: Councilmembers Richards and Toben, Vice Mayor Derwin, Mayor Driscoll

No: None

REGULAR AGENDA

- (3) Recommendation by Assistant Town Manager – 2011-2012 Woodside Highlands and Wayside II Road Maintenance District Tax Assessments [*removed from Consent Agenda*]
 - (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Authorizing the San Mateo County Controller to Apply the Special Tax for the Woodside Highlands Road Maintenance District to the 2011-2012 Tax Roll and to Collect the Tax at the same time as General County Taxes (Resolution No. 2521-2011)

Vice Mayor Derwin moved approval of Item 3(a). Seconded by Councilmember Richards, the motion passed 4-0.

- (b) Adoption of a Resolution of the Town Council of the Town of Portola Valley Authorizing the San Mateo County Controller to Apply the Special Tax for the Wayside II Road Maintenance District to the 2011-2012 Tax Roll and to Collect the Tax at the same time as the General County Taxes (Resolution No. 2522-2011)

Councilmember Toben recused himself from voting on Item 3(b).

Councilmember Richards moved approval of Item 3(b). Seconded by Vice Mayor Derwin, the motion passed 3-0.

- (1) Approval of Minutes of Town Council Meeting of May 11, 2011

Councilmember Toben moved to approve the minutes of the Town Council meeting of May 11, 2011 as amended. Seconded by Councilmember Richards, the motion passed 3-0-1 (Derwin abstaining).

- (4) Public Hearing – General Plan Amendments to the Open Space Element, Recreation Element, Conservation Element and Related CEQA Findings [7:45 p.m.]
 - (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Adopting Amendments to the Conservation, Open Space and Recreation Elements of the General Plan and Findings Under CEQA (Resolution No. 2523-2011)

Mr. Mader, referring to his memorandum of April 18, 2011 and other material submitted to the Council, said that the Planning Commission spent considerable time and went into considerable detail in its work on the Conservation, Open Space and Recreation Elements. Assuming Council approves, he said that the element updates would satisfy California requirements until 2016.

The main challenge was to integrate the Council-approved definition of open-space preserve into these documents. In the process of doing so, some language was moved from one element to another. For example, shifting a number of open-space proposals from the Recreation Element to the Open Space Element pared down the former and expanded the latter. The Recreation Element's references to community preserves, neighborhood preserves, scenic corridors and greenways also have been moved into the Open Space Element.

In terms of the Conservation Element, the update includes references to current creek setbacks, the recently completed study, "Portola Valley Sensitive Biological Resources Assessment and Fuel Hazard Assessment," the recently adopted Geologic and Ground Movement Potential Maps, and the Sustainability Element.

Mr. Mader noted that the updates resulted in major changes to Appendix 1, which enumerates amendments to the General Plan over the years.

Mr. Mader said that a letter from John Hanna (Hanna & Van Atta), who represents Kirk Neely and Holly Myers, makes some important points, but does not speak to the documents generally. Ms. Sloan explained that Dr. Neely and Ms. Myers were apparently unaware that changes to the General Plan were being considered, and are concerned about the definition in Section 2204, and a reference to the Meadow Preserve in Section 2216.2. Ms. Sloan, relating a conversation with Mr. Hanna, indicated that eliminating reference to agricultural uses would make it difficult to pursue an application for Williamson Act funding or to have some kind of agricultural uses on the property.

Ms. Sloan read the letter (excerpted below) into the record:

My clients object to the proposed amendments that pertain to their property. The existing General Plan describes a portion of their property, referred to as the Meadow Preserve, in Section 2313 of the Recreation Element. The existing General Plan proposes that the Meadow Preserve be kept largely open, existing character preserved, and present agricultural uses maintained. The reference to and description of the Meadow Preserve now appears in the amended Section 2216 (of the Open Space Element). The new language says, "This preserve should be kept in a natural

condition and existing character preserved," a very significant change in the description of the potential use of that property. The amendment uses the terminology, "natural condition," and eliminates any reference to agricultural uses.

The new open-space preserves definition requires that areas described as open space comply with the definitions contained in Section 2004, which means kept largely in a natural condition with permitted uses that do not require structures. Permitted structures would include benches, trail signs, scientific instruments and bridges and board walkways.

On its face, the practical effect would be to convert a large portion of the (Neely/Myers) property from its present use to open space land without potential for realization of any economic benefit from the land, including agriculture. Section 2204's new, more restrictive definition says that whenever the term "open-space preserve" is used to designate property in the Town, it must comply with the Town's definition, which is more restrictive than the State's definition.

The objectionable nature of the proposed amendment could easily be modified to avoid it being interpreted as a taking. Section 2204 could be changed so that the second sentence would read, "Consequently, whenever an area is dedicated or acquired as an open-space preserve in this Element, it must comply with the following definition." Likewise, it would help to retain the reference to agricultural use.

Ms. Sloan said that she isn't concerned with the issue of "taking," but indicated two points that merit consideration.

1. That Section 2204 apply only when the Town acquires a property, considering that all but three of the open-space preserves listed in Section 2216 are publicly owned. The Jelich Ranch, with the Woodchopper house and apple trees, does not have native plants and natural conditions.
2. That the reference to agricultural use be included in the Meadow Preserve description (Section 2216.2).

Mr. Mader said that even if the language changes, the property would still need a conditional use permit (CUP) for any agricultural uses.

Councilmember Richards noted that Open Space Element Section 2213 refers to "public acquisition of less than fee title," and Section 4225 mentions "full or fee title, and partial title." He asked whether there is any conflict between the two. Mr. Mader explained that there wouldn't be a problem changing the former instance to "fee title or less than fee title" for consistency's sake.

In regard to Section 4222 in the Conservation Element, Councilmember Richards said that he would be interested in the septic system versus sewer debate. In response to a follow-up comment from Mayor Driscoll, Mr. Mader and Ms. Sloan said that as sewage disposal policy and procedures develop it might be appropriate to include them in the Conservation Element, or possibly the Safety Element.

Councilmember Toben asked whether the Parks and Recreation Committee and the Conservation Committee reviewed the Recreation and Conservation Elements, respectively. Mr. Mader said he thought so, early on in the process.

Mayor Driscoll said that regarding the Neely/Myers matter, the Town is trying to move toward longer-term protection to certain portions of the property in exchange for some development concessions, and the omission of agricultural uses in the definition might undermine that effort. Councilmember Toben said that he agrees, and is comfortable with the language Mr. Hanna proposed.

Mayor Driscoll said that this would effectively apply only to privately held lands. Ms. Sloan reiterated and slightly rephrased Mr. Hanna's suggestion for a sentence to be added to Section 2204, after the reference to the Council's adoption of open-space preserve: *Consequently, whenever an area owned by the Town and is an open-space preserve, it must comply with the following definition.*

In terms of Section 2216.2, Ms. Sloan proposed: *The Meadow Preserve should be kept in a natural condition, and the existing agricultural character preserved.* As Mr. Mader had indicated, she added, the use permit mechanism also would be applicable.

Councilmember Toben moved to approve Resolution No. 2523-2011 adopting amendments, as revised, to the Conservation, Open Space and Recreation Elements of the General Plan and findings under CEQA. Councilmember Richards seconded, and the motion carried 4-0.

Open Space Element

Introduction

- 2200 The open space element provides a framework for the preservation of open space within the planning area. Open space includes all open areas, large and small, public and private. The element, however, is most concerned with those open space lands that are of major significance for protection of natural resources, public health and safety, aesthetics and recreation and that require special actions to ensure their preservation. The open space land uses described herein are primarily the macro- and intermediate-scale open spaces but this does not imply that the micro-scale is not important.
- 2201 Open spaces intended primarily for intensive recreation, such as parks and playfields, are addressed in the recreation element.
- 2202 Scenic corridors and greenways are described in this element; however, their use by motorists, cyclists, those on foot and equestrians are addressed in the circulation and trails and paths elements.

Definitions

- 2203 The several types of open space included in this element are defined below; however, more complete descriptions can be found in section 2214.

Neighborhood Open Space Preserves serve local neighborhoods and are generally two to ten acres in size.

Community Open Space Preserves are scenic areas kept essentially in a natural state for the benefit of the residents of the town. Such preserves provide visual pleasure and accommodate very limited access and use, such as by trails and paths. They serve major parts of the town and generally are up to 50 acres in size.

Large Open Space Preserves are large areas that have important natural qualities and that are preserved by public or institutional ownership. Because

these large open spaces can serve as recreational resources, they are also discussed in the recreation element.

Scenic Corridors are broad linear bands of open space along major roads in which recreational uses are acceptable when compatible with the open character of the corridor.

Greenways are corridors of natural beauty often enhanced by landscaping. They provide pleasant traveled ways for motorists, cyclists, those on foot and equestrians that link portions of the planning area. A number of greenways are proposed in the plan along roads and natural features such as canyons, streams and woods.

Open Space - Limited Development is the term assigned to those areas outside of the town that because of hazardous natural conditions, scenic beauty, limited access, remoteness, inadequate utilities or similar reasons are not appropriate for other than open space with very limited development. These areas should be kept essentially in their natural state with only minimal disturbance. These areas are shown on the General Plan Diagram, Part 5, of the General Plan.

Agricultural Lands occupy a large portion of the Stanford-owned Webb Ranch. These lands consist of alluvial soils and are well suited for agriculture. In addition, most of the area is within the flood plain of the Searsville Lake dam. Uses occupying this area include cultivated agriculture and boarding stables.

Residential Open Space Preserves are parts of residential developments that are kept as open space because of environmental constraints such as steep terrain, unstable land, and sensitive habitat. Also, these areas are visual assets for residents of the development in which they are located as well as the town. Where appropriate, access to portions of these areas by local residents can be an ancillary use by means of public trails and paths and thereby serve in part as a recreation function. (See also Section 2109 of the residential areas section in the land use element.)

2204 The Portola Valley town council, after much consideration, adopted the following definition of "open space preserve" by resolution No. 2490 on May 12, 2010. Consequently, whenever an area is owned by the town, it must comply with the following definition.

Open Space Preserves are areas to be kept largely in a "natural" condition with limited permitted uses as described below:

1. Open Space Preserves are areas where the character and intended use of the land warrant retaining the land in a natural condition. Such preserves provide visual pleasure and accommodate very limited access and use.
2. Open Space Preserves are named, located and described in the General Plan. The descriptions include permitted uses consistent with the provisions of this definition.
3. Permitted outdoor uses are those that do not require structures, other than those provided for elsewhere in this definition, and do not result in modification of the site. Typical uses include nature study, congregation of residents in time of emergencies, and unorganized activities such as tossing Frisbees and kite flying.
4. Permitted structures include occasional benches, trail and path signs, temporary scientific instruments, and bridges and board walkways in marshy areas for the purpose of viewing natural aspects of the site.
5. Permitted access is on permeable trails and, where appropriate, paths designed for disabled persons.
6. Consideration may be given to allowing existing structures to remain if they are consistent with and enhance the open space character of the land and/or are of historic value.
7. Activities to care for the land, such as controlling invasive plants and reducing fire hazards, are permitted provided they are undertaken in a manner that balances preservation of the natural vegetation and the need for reduction of fire hazard potential and are reviewed with input from town committees and staff.
8. Activities that seek to return the land to a prior more natural state are permitted provided such activities are reviewed with input from Town committees and staff.
9. Uses in addition to those above specified subsections 1. - 8. may be permitted by the town council provided such uses are consistent with the purposes of open space preserves as described in section 2204 and contribute to a person's enjoyment of, and do not detract, from a natural and tranquil setting.

(When considering residential open space preserves, see also Section 2109 of

the general plan.)

2205

Open space land is defined in state law [Government Code, Section 65560 (b)]. The definition is intended as a guide to cities and counties, but does not preclude expansion of the list by jurisdictions. Section 65560 (b) states:

“Open space land is any parcel or area of land or water that is essentially unimproved and devoted to an open-space use as defined in this section, and that is designated on a local, regional or state open-space plan as any of the following:

1. Open space for the preservation of natural resources, including but not limited to areas required for the preservation of plant and animal life, including habitat for fish and wildlife species; areas required for ecologic and other scientific study purposes; rivers, streams, bays and estuaries; and coastal beaches, lake-shores, banks of rivers and streams, and watershed lands.
2. Open space used for the managed production of resources, including but not limited to, forest lands, rangeland, agricultural lands and areas of economic importance for the production of food or fiber; areas required for recharge of groundwater basins; bays, estuaries, marshes, rivers and streams which are important for the management of commercial fisheries; and areas containing major mineral deposits, including those in short supply.
3. Open space for outdoor recreation, including but not limited to areas of outstanding scenic, historic and cultural value; areas particularly suited for park and recreation purposes, including access to lakeshores, beaches and rivers and streams; and areas which serve as links between major recreation and open-space reservations, including utility easements, banks of rivers and streams, trails, and scenic highway corridors.
4. Open space for public health and safety, including, but not limited to areas which require special management or regulation because of hazardous or special conditions such as earthquake fault zones, unstable soil areas, flood plains, watersheds, areas presenting high fire risks, areas required for the protection of water quality and water reservoirs, and areas required for the protection and enhancement of air quality.”
5. (Pertains to military installations and therefore is not listed here.)

2206 Open space lands can be grouped under the following scales of open space by their size and character. These descriptions are of assistance when considering the functions of different types of open space:

1. *Macro-Scale Open Space* – Lands where the sense of openness is extensive. Views of such space include large expanses of water, undeveloped or primarily undeveloped lands, or rural lands with minor development. Micro-environments may exist within such a space, such as a clearing in the woods, or a small wooded valley or a cluster of trees in the otherwise grass covered rolling hills; but continuity and large size give macro-scale open spaces their dominant character. Categories of open space that are usually of this type include: residential open space preserves, scenic corridors, greenways, open space-limited development areas and large open space preserves.
2. *Intermediate-Scale Open Space* – Lands of intermediate scale include areas generally ranging in size from 5 to 50 acres. The unifying element is the sense of openness in the middle ground with a definite background limit to one's view. Categories of open space that are usually of this type include community open space preserves and neighborhood open space preserves.
3. *Micro-Scale Open Space* – Spaces that are of a small or intimate nature. Generally, the observer intimately confronts objects in this size of open space.

2207 Size is not a limiting factor for open space, nor is public ownership necessary. In Portola Valley, concern for the preservation of open space should include all scales of open space from hillside watershed areas of large expanse to natural and landscaped areas on residential and other developed properties.

2208 Preservation for the public interest does not necessarily mean public access to open space lands. For example, public access might be incompatible with other open space uses, such as wildlife habitat, flood control, maintenance of the natural drainage system, or establishing or maintaining fragile plant growth. It may also be incompatible with individual property owner's rights to privacy.

2209 Many open spaces are best preserved and managed if the town or another public agency has responsibility or regulatory authority through fee title, easement or special zoning. This is especially true of public parks, flood plains, natural areas along travel corridors, creeks and riparian lands,

wilderness areas or other wildlife habitat of shy or endangered species, and areas that represent a potential danger to health and safety.

2210 Implementation of the open space proposals was largely covered in the adopted Open Space Program, Town of Portola Valley, 1971, but is now addressed in Appendix 6, Implementation of the Open Space Element. The major open spaces are shown on the comprehensive plan diagram, Part 5.

2211 The open space element includes: objectives, principles and standards; and a description of an action program.

Objectives

- 2212
1. To preserve open space in order to maintain the natural environmental qualities that make Portola Valley an unusual and special place in which to live.
 2. To provide visual enjoyment by means of a continuous flow of open space and natural ground contours throughout the entire planning area.
 3. To retain the wooded outlines of the skyline ridge and lesser ridges.
 4. To retain and enhance important vistas, including the view of the skyline ridge as seen from below and the view of the valley as seen from the hillsides.
 5. To protect and enhance more intimate views for the enjoyment of local residents.
 6. To protect and maintain those areas necessary to the integrity of the natural processes with special emphasis on, but not limited to, the watershed.
 7. To preserve and, where appropriate, enhance and restore streams, and lesser drainage courses and their corridors, unique resources in the area, in a manner that will assure maximum retention of their value as wildlife habitat and provide for their use and enjoyment by local residents.
 8. To provide scenic corridors along routes of major movement.
 9. To provide greenways along local corridors of movement.

10. To provide for the retention of vegetative forms that contribute to the public safety and help maintain the natural processes and aesthetic qualities of the town.
11. To preserve as open space, insofar as necessary, those areas subject to inherent natural hazards in order to ensure the public safety and welfare.
12. To preserve and protect areas vital as wildlife habitat or of a fragile ecological nature.
13. To preserve those areas of cultural and historic significance to the town, the Midpeninsula, and the Bay Area.
14. To provide open space to shape and guide development and to enhance community identity.
15. To ensure connectivity between open spaces to provide for wildlife movement.
16. To preserve those lands with high agricultural capabilities for agricultural and open space purposes where appropriate.

Principles

- 2213
1. In any land development project, the basic visual character of the planning area should be conserved through regulation or through public acquisition of less than fee title.
 2. All major visual features should be preserved through public acquisition of fee title or lesser interest.
 3. Structures and land uses should be subordinate to the dominant natural land forms and vegetation of the planning area. Only in the confines of individual sites should structures be allowed to be dominant. To preserve open space in the residential open space preserve areas, clustering of housing units outside these areas should be required to the maximum extent possible.
 4. Roads and other public works should incorporate beauty as well as utility, safety and economy.
 5. The scale and type of materials used in developments should be harmonious with the surrounding natural scenery.

6. Open spaces should be linked together visually and physically to form a system of open spaces.
7. Common open spaces intended to serve the immediate residents should be owned by the residents through a homeowners' association, condominium association, or other similar legal instrument.
8. A variety of vistas should be provided and preserved, ranging from the small enclosed private views to the more distant views shared by many people.
9. Open space along creeks, streams and scenic trails should be protected from encroachment through flood plain zoning, development setbacks, conservation easements, public acquisition of streambanks and other appropriate devices which will help preserve them in an essentially natural state.
10. A qualified biologist should delineate those areas rich in wildlife, or of a fragile ecological nature. These areas should be preserved through land use regulation or through dedication or acquisition where necessary.
11. Environmental impact studies should take into consideration the impact of development proposals on wildlife habitats.
12. Land use regulations should be used to prevent damage to vegetative ground cover.
13. The contribution of vegetation and water areas in maintaining air quality should be considered in any major land use proposals.
14. Areas hazardous to the public safety and welfare should be retained as open space. Areas that fall into this category include:
 - a. Slopes generally over 30 percent.
 - b. Fault zones - bands on either side of known fault traces sufficient to include lands of probable ground rupture.
 - c. Areas of geologic instability.
 - d. Streams and their flood plains.

15. Streams, stream sides, ponds and trails should be preserved as scenic open spaces through regulation, dedication and, where necessary, by public acquisition.
16. Scenic corridors should be protected so as to maximize their scenic quality.
17. Scenic corridors and greenways
 - a. Scenic corridors and greenways should be of a width suitable to preserve the natural quality of the area through which the corridor passes and provide space for appropriate uses.
 - b. Development within scenic corridors and greenways should not detract from the essential qualities of the corridor or greenway.
 - c. Scenic corridors and greenways should be designed to insulate residential areas from noise and activity on trafficways and to provide buffers between other incompatible uses.
18. New residential developments should provide for the clustering of residences so as to leave larger natural areas (residential open space preserves and other open space preserves) as undisturbed open space with limited local use by trails and paths. (When considering residential open space preserves, see also Section 2109 of the general plan.)

Standards

- 2214 Specific standards are and will be included within the zoning, subdivision and site development ordinances.

Description

- 2215 Extensive open lands presently exist within Portola Valley, much of which is in private ownership. The open space proposals in this element define those lands that enhance the character of the town. The primary open space function of these lands is for one or more of the following uses: preserving natural resources, managing production of resources, providing outdoor recreation, or protecting the public health and safety.

The land use categories that are of major importance in assuring a continued quality of open space and make up the open space classification system for Portola Valley are:

1. ***Neighborhood Open Space Preserves*** - A number of neighborhood preserves are shown on the plan diagram. The specific sites for two of the preserves, Ridge Rest Open Space Preserve and Frog Pond Open Space Preserve, are defined through the general development plan for the Portola Valley Ranch "planned community" zoning. A third preserve, Coalmine Ridge Open Space Preserve, includes a small lake and is located at the edge of the town adjoining Los Trancos Woods.

The exact locations of the remaining preserves shown on the plan diagram for the undeveloped lands of the town's western hillsides, should they ever be developed, should be determined by the town when more precise plans are made for this area. The distribution indicated on the plan diagram generally provides a neighborhood preserve within a radius of from 1/4 to 1/2 miles of all potential residential sites. Steep grades and canyons have necessitated modifications of required standards in a few instances.

2. ***Community Open Space Preserves***- The Orchard Preserve is an existing apple ranch known as the Jelich Ranch. It contains three historic structures included in the historic element: the Jelich house, the tank house and the Chilean Woodchopper's house. The property and structures help identify the rural nature of the town. If they ever cease to be in private ownership, the town should attempt to retain them as historic resources and open space for limited recreation and perhaps agricultural use.

The Meadow Preserve, the large field adjoining Portola Road and north of The Sequoias, lies astride the San Andreas Fault and is visually important to the entire quality of the valley. This preserve should be kept in a natural condition and the existing agricultural character preserved. A southern portion of the preserve is owned by the Midpeninsula Regional Open Space District and is a part of the Windy Hill Open Space Preserve. The parking lot serving the preserve should be maintained so as to cause minimum conflicts with the meadow and remain compatible with the natural setting to the maximum extent possible.

The Morshead Community Preserve should capitalize on the natural and man-made lake of the property. It is shown by symbol

on the plan diagram without specific recommendations with regard to size or shape of the preserve.

The Stables Preserve is between the town center and the Orchard Preserve. The front part of the property is owned by the town and forms part of the open space corridor along Portola Road. This area should be kept as a natural resource with very limited access by individuals. Distant views from this part of the Stables Preserve are to be preserved.

The boarding stable buildings are on the rear of the preserve and set back approximately 700 feet from Portola Road. The boarding stable is one of the recreation facilities in the town. Should the boarding stable ever cease, the town should attempt to see that this part of the property is retained as open space.

3. ***Large Open Space Preserves*** -A number of large open space preserves are shown on the plan diagram. Each of these preserves is briefly described below.

The Jasper Ridge Biological Preserve includes Jasper Ridge, Searsville Lake and the marsh area at the south end of Searsville Lake. The Preserve is owned by Stanford University and is used by the university for biological studies. This is a unique resource in the planning area and should continue as a wildlife preserve and a scenic location. Increased use by the general public is encouraged provided it is handled in a manner so as to not interfere with the basic purposes of the preserve for biological studies. It is also important as an entry to Portola Valley along Portola Road.

Several properties owned by the Midpeninsula Regional Open Space District are shown as open space preserves on the comprehensive plan diagram. These lands are to be kept primarily as undeveloped open areas while allowing low intensity recreational uses that do not conflict with the essential open space character. Impact on the town from the use of these preserves should be minimal, and most vehicular access should be from roads on or near the boundaries of the town. These properties include:

Coal Creek Open Space Preserve

Los Trancos Open Space Preserve

Montebello Open Space Preserve

Russian Ridge Open Space Preserve

Windy Hill Open Space Preserve

The Windy Hill Open Space Preserve, owned by the Midpeninsula Regional Open Space District, consists of a major portion of the eastern side of Windy Hill and is the only one of these preserves located within the town boundaries. Windy Hill is a visually dominant element for much of the town and the South Bay Area. The preserve serves as an adjunct to the balance of Windy Hill which is shown as a part of the Skyline Corridor. The natural character of the open ridge leading up to Windy Hill should be maintained. The lower part of the preserve, west of the Willowbrook Subdivision, includes a beautiful stretch of Corte Madera Creek, adjacent oak covered slopes and higher wooded knolls which open on to oak studded grassland. The preserve provides an extensive open space and trail system with opportunities for nature study as well as hiking and scenic enjoyment. The preserve is strategically located at the intersection of several main trails and paths where it can be an important destination for users of the trail and path system. The area should remain largely in its natural state. Besides use as a preserve, this land provides an important visual backdrop for the Willowbrook subdivision.

Because large open space preserves also serve as recreational resources, they are also discussed as regional parks or private recreational facilities in the recreation element.

4. **Scenic Corridors** -Scenic corridors are broad linear bands of open space along major roads in which recreational type uses are compatible with the open character of the scenic corridor.

- a. *Alpine Scenic Corridor* - The Alpine Scenic Corridor includes Alpine Road and those portions of Los Trancos and San Francisquito creeks adjacent to the road. This corridor is of a smaller scale than the Skyline Scenic Corridor and will be primarily for the use of the residents of the planning area. A variety of uses would be compatible within the corridor, such as the existing tennis and swim clubs, equestrians, cyclists, runners and walkers. (See the Alpine Scenic Corridor Sub-Area Plan.)
- b. *Portola Road Scenic Corridor* - The Portola Road Scenic Corridor extends from the intersection with Alpine Road to the northerly town limits. The corridor runs through the "valley" in the town and to a large extent does and should continue to reflect the open space values of the town. In order to achieve this objective, attention should be given to the entire corridor including the road, trails and paths, buildings and other structures, and plantings. While the corridor will be addressed in detail in a future overall plan for the corridor, attention is given in the open space element to the critical views to the western hillsides and nearby meadows. These views are of major open space importance and policies are needed to ensure their preservation. It is appropriate to address the views in the open space element since it is these views that help express the open space character of the valley.

Unfortunately, native and planted vegetation as well as landforms largely obscure some important views. In particular, plantings between the Sequoias and the road form a hedge that blocks important views to the west. Also, in the future, new plantings along the western side of the corridor could lead to increased blockage of views. Furthermore, landforms in at least two locations significantly block views. One is the berm between the town owned land between Spring Down Equestrian Center and Portola Road. The other is the remnant of the hill that was created when grading was done many years ago for Portola Road in front of the Meadow Preserve. Were some of these visual impediments removed, vast views to the western hillsides would be opened up for users of the trail as well as motorists. Dealing with

vegetation should be rather easily accomplished whereas modifying landforms would be much more difficult.

While the Portola Road corridor plan will comprehensively address plantings along the road, a first concern is with respect to existing and future plantings along the road that do and could further interfere with views. The town should consider establishing a special setback along the road for vegetation in which provisions could be included that would help ensure that in the future major views to the western hillsides and meadows would be preserved. Such a setback should, among other things, provide for a mixture of openings for major vistas and appropriate plantings.

- c. *Skyline Scenic Corridor* - The Skyline Scenic Corridor is one of two major regional facilities within the town, the other being the Windy Hill Open Space Preserve. The corridor is composed of a broad band of natural area and will require controls over adjacent lands to assure compatibility with the corridor. A variety of uses would be appropriate in the corridor including scenic lookouts, trails and paths, and special scenic and natural scientific attractions. In addition to its primary function it would provide some local recreation. (See also the scenic roads and highways element.)
5. *Greenways* - Greenways are corridors of natural beauty, often enhanced by landscaping. They are pleasant traveled ways for motorists, cyclists, those on foot and equestrians linking portions of the planning area. A number of greenways are proposed in the plan along natural features such as canyons, streams and woods. The essential natural qualities of greenways should be maintained and enhanced by careful management of plant materials.
6. *Open Space - Limited Development* - These are areas which because of hazardous natural conditions, scenic beauty, limited access, remoteness, inadequate utilities or similar reasons are not appropriate for other than very limited development. These areas, which are outside of the town, should be kept essentially in their natural state with only minimal disturbance. Four areas are shown in this category on the comprehensive plan diagram: a portion of

the town's southern sphere of influence, land west of the Skyline Scenic corridor, and two areas in the hills of Palo Alto.

7. ***Agricultural Lands*** - A substantial portion of the Stanford-owned "Webb Ranch" is shown as agricultural land. This area lies predominantly between Ladera and the Junipero Serra Freeway. Most of the lands are currently used for cultivated agriculture and boarding stables. The lands are basically on alluvial soils and well-suited to agriculture. In addition, most of the area is within the flood plain of the Searsville Lake dam. This area should be retained primarily for agriculture with a limited amount of compatible recreational uses of low intensity such as the existing boarding stables.
8. ***Residential Open Space Preserves***- Residential open space preserves serve developments in which they are located. In addition they are important open space assets since they provide undisturbed natural areas for visual enjoyment by all town residents. Some of the preserves will be accessible for use by other than local residents by means of public trails and paths. (See the Residential Areas section of the land use element.)

2217 Historic sites include areas and trails of historic significance and open space potential that may be lost if not protected from development. Such areas and trails are limited in quantity in the planning area, but should be preserved whenever possible. (See the historic element.)

2218 Areas of particular biotic importance should be kept in their natural state because they play a vital role in natural processes and are of importance to the welfare of the town. These include wildlife, riparian corridors, wetlands, and vegetative and biotic communities. The protection of these areas is to be achieved by land use policies and by the open space proposals previously listed which include the biotically important steep canyons, streams, forests, wetlands and similar areas.

2219 Areas of importance for public health and safety purposes should by and large be kept in their natural state because they present potential hazards due to earth shaking, earth movement, fire, flooding, erosion and siltation. These areas are not shown separately on the comprehensive plan diagram, but are included in the open space proposals previously listed in this element and are described in the safety element.

2220 Appendices: Appendix 5 indicates the responsiveness of the Portola Valley open space proposals to state law requirements. Appendix 6 discusses the

implementation of the open space element to ensure the systematic preservation of the open space character of Portola Valley.

Action Program

2221 The zoning, subdivision and site development ordinances have been prepared and administered to preserve and protect major open spaces in the town through a variety of provisions. These include:

- planned community zoning districts,
- slope-density combining zoning districts,
- open area zoning districts,
- special building setbacks along the Alpine Scenic Corridor and Skyline Parkway,
- planned unit development provisions permitting cluster development,
- dedication requirements for park areas,
- requirements for open space easements,
- trail and path dedication requirements,
- limitations on grading and tree removal,
- wide rights-of-way to provide open space along roads,
- required building setbacks along major town creeks, and
- setbacks and controls on planting along major roads.

These provisions have secured many of the open space proposals in the general plan and will continue to be used to secure additional open spaces. The tools are in place and need only to be administered as development projects come before the town.

2222 While most of the open space proposals in the plan can be achieved through regulation, there may be instances where the town may wish to purchase land or rights in land in order to secure open spaces. It is not possible at this time to determine which parcels would require such treatment. In order for the town to be in a position to purchase land if needed, the town should maintain an open space fund and an acquisition process plan.

2223 Several large parcels have been purchased by the Midpeninsula Regional Open Space District to form the Windy Hill Open Space Preserve. In the future, MROSD may purchase some additional parcels which are now indicated for residential development. Such purchases cannot be anticipated in this general plan but would be reviewed by the town at that time.

General Plan Diagram

2224 Modify the general plan diagram legend as follows:

Change the heading "Preserve" with respect to "Neighborhood" and "Community" to read "Open Space Preserve."

Change "OPEN SPACE PRESERVE" to read "LARGE OPEN SPACE PRESERVE."

Change "AGRICULTURE" to read "AGRICULTURAL LANDS."

MEMORANDUM Conservation Committee

TO: Tom Vlastic, Town Planner
FROM: Marianne Plunder, Chair Conservation Committee
DATE: September 5, 2011
RE: 555 Portola Road Amendment to Conditional Use Permit

Note:

Section 2216 paragraph 2 of the Town of Portola Valley General Plan refers directly to the flat part of the 555 Portola Road property that is subject to this Amendment to Conditional Use Permit. This part of the property is called The Meadow Preserve and is defined in the General Plan as a Community Open Space Preserve. There are only four parcels in town in this category.

Quote: "The Meadow Preserve, the large field adjoining Portola Road and north of the Sequoias, lies astride the San Andreas Fault and is visually important to the entire quality of the valley. This preserve should be kept in a natural condition and the existing agricultural character preserved."

The following are the Conservation Committee's comments

- A. **the Agricultural Low Intensity** hay grass (approximately 7 acres) half of the Meadow Preserve.

According to the general plan 2216, "The Meadow Preserve should be kept in a natural condition and the existing agricultural character preserved." The existing character of this part of the preserve is thistles and other weeds that are being mowed. It has been suggested that in the past, this was an agricultural hayfield.

Concerns:

1. To reclaim this area for agricultural use as a hayfield, the invasive weeds will need to be destroyed and hay replanted. This will require application of toxic weed killers on a large area of approx. 7 acres, which raise numerous environmental concerns, including weed killer drift that would threaten surrounding native plants and animals and runoff into Sausal Creek. After application of weed killer application of fertilizer will be necessary.
2. Sausal Creek runs along the edge of this area and is mandated to be protected. Runoff of weed killers in the immediate future and later runoff of fertilizers and pesticides are both of concern.

- B. **the Agriculture Medium Intensity** fruit/vegetable areas (approximately 7 acres) half of The Meadow Preserve.

According to the general plan 2216, "The Meadow Preserve should be kept in a natural condition and the existing agricultural character preserved." There is no existing medium intensity agriculture on this site. A large area in this part of The Meadow Preserve is comprised of "the knoll", a seemingly undisturbed area of native vegetation.

Concerns:

1. Approval of change of character of The Meadow Preserve sets a precedent and invites further degradation of Portola Valley's other open space areas and view sheds.
 2. Any development of this type would require deer fencing; no fences should be allowed in The Meadow Preserve. Fences would destroy both the existing pristine nature of The Meadow and the view shed.
 3. Medium intensity agriculture would require irrigation. Additional water in this area is not consistent with the description of The Meadow Preserve. Additional water use will create agricultural contaminated runoff into Sausal creek.
 4. The sole source of water is from a natural spring in the Windy Hill Open Space Preserve. Increased diversion of this water to The Meadow Preserve could impact surrounding vegetation and wildlife. We recommend an independent study that examines the potential impact of distribution of those spring waters for agricultural use.
 5. The knoll above the meadow along Sausal creek is currently covered with tarweed, a native late summer and fall blooming composite, lupine and wild roses. They will all be eliminated if cultivation occurs. The area appears to be undamaged by any previous agricultural use. This native vegetation should be left in place and protected. The knoll runs along Sausal creek, at the northern part in particular is a steep ravine down to Sausal creek.
 6. Agricultural workers sanitary needs must be addressed. Even a portable toilet is not appropriate for The Meadow Preserve,
 7. Where are agricultural workers going to park and take their breaks?
- C. **Agricultural Building** - 3600 sq feet total (2400 sq feet enclosed - with 1200 additional sq feet covered outdoor area.)

According to the general plan conservation element section 2204 paragraph 4 "Permitted structures" include occasional benches, trail and path signs, temporary scientific instruments, and bridges and board walks in marshy areas for the purpose of viewing natural aspect of the site.

Concern:

1. Approval of development of a building on The Meadow Preserve sets a precedent and invites further degradation of Portola Valley's other open space areas and natural vistas .
2. There is potential fire danger from storage of large amounts of hay. With no water readily available, this could easily become a large fire that threatens adjacent areas. Depending on the wind direction a fire could threaten the whole town or the Wind Hill Preserve which is full of fuel as there is no brush clearing in this area.
3. Increased runoff into the creek will be produced by 3600 sq ft of impervious surface and raises erosion concerns.
4. Seven acres worth of vegetable/fruit might require cleaning, packing and refrigerated storage - this additional, more developed infrastructure is not present on the proposed plan and would be greatly out of character for The Meadow Preserve.

D. New Driveway

Concerns:

1. Current driveway seems adequate for potential agricultural uses, and no compelling reason for a new driveway has been presented.

2. A large heritage oak is very close to proposed driveway and needs to be protected from the negative impact of a driveway development.

RECOMMENDATIONS:

To remain in compliance with the general plan and the conservation element, there should be no further development of The Meadow Preserve. This iconic property is located in the heart of town, provides unspoiled views of the western hills with great scenic value, and is a familiar and cherished landmark of Portola Valley.

1. Ideally the entire Meadow Preserve should be preserved according to the requirements of the general plan, and no changes to its existing use and character should be allowed.
2. Any potential agricultural use:
 - a. should be restricted to the areas currently full of thistles
 - b. should be only low intensity hay grass
4. No fences should be allowed to mar the view shed anywhere in The Meadow Preserve.
5. Impact of increased water use in the area of the spring source and water runoff into the creek should be thoroughly investigated.
3. Restoration of the view shed along Portola road should commence as soon as possible, independent of this approval process. Recently planted redwoods should be removed and the roadside oaks that increasingly obscure the view should be thinned.

Respectfully submitted by
Marianne Plunder
Chair Conservation Committee



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Mayor and Members of the Town Council

FROM: Angela Howard, Town Manager

DATE: October 26, 2011

RE: **First Reading of Ordinance Repealing Chapter 10.08 [Administration] of Title 10 [Vehicles and Traffic] of the Portola Valley Municipal Code**

At its June 8, 2011 meeting the council directed staff to agendize for its consideration a charter forming a new committee to replace the current Traffic Committee.

On September 14, 2011 the council approved the new charter creating the Bicycle, Pedestrian and Traffic Safety Committee. Staff has advertised for prospective members and Mayor Ted Driscoll and Councilmember Ann Wengert are tentatively scheduled to interview for members the week of November 7th.

With the formation of the new committee it is now necessary to repeal the portion of the Municipal Code that established the Traffic Committee.

You have before you an ordinance that when adopted would repeal Chapter 10.08 [Administration] of Title 10 [Vehicles and Traffic] (Attachment A) of the Portola Valley Municipal Code.

Recommendation

It is recommended that the Town Council introduce the attached Ordinance repealing chapter 10.08 [Administration] of Title 10 [Traffic] and agendize it for the second reading.

Attachment A: Copy of Chapter 10.08 of Title 10 of the Municipal code.

ORDINANCE NO. 2011- _____

ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PORTOLA VALLEY REPEALING CHAPTER 10.08 [ADMINISTRATION] OF TITLE 10 [VEHICLES AND TRAFFIC] OF THE PORTOLA VALLEY MUNICIPAL CODE

WHEREAS, the Town Council for the Town of Portola Valley has determined that Chapter 10.08 [Administration] of Title 10 [Vehicles and Traffic] of the Portola Valley Municipal Code is outdated and unnecessary.

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

1. Repeal of Code. Chapter 10.08 [Administration] of Title 10 [Vehicles and Traffic] of the Portola Valley Municipal Code is hereby repealed in its entirety.

2. Environmental Review. This ordinance is not a project for the purposes of the California Environmental Quality Act.

3. Effective Date: Posting. This ordinance shall become effective thirty (30) days after the date of its adoption and shall be posted within the Town of Portola Valley in three (3) public places.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

By: _____
Mayor

ATTEST:

APPROVED AS TO FORM:

Town Clerk

Town Attorney

ATTACHMENT "A"

CHAPTER 10.08 - ADMINISTRATION

Sections:

- [10.08.010 - Traffic division—Established.](#)
- [10.08.020 - Traffic division—Duties.](#)
- [10.08.030 - Traffic accident studies.](#)
- [10.08.040 - Traffic accident reports.](#)
- [10.08.050 - Traffic safety report.](#)
- [10.08.060 - Town traffic engineer—Office established.](#)
- [10.08.070 - Town traffic engineer—Powers and duties.](#)
- [10.08.080 - Traffic committee—Established.](#)
- [10.08.090 - Traffic committee—Duties.](#)

10.08.010 - Traffic division—Established.

There is established in the police department of this town a traffic division to be under the control of an officer of police appointed by and directly responsible to the chief of police. The police department shall constitute the traffic division.

(Ord. 1968-93 § 1 (3712.0), 1969)

10.08.020 - Traffic division—Duties.

It shall be the duty of the traffic division with such aid as may be rendered by other members of the police department to enforce the street traffic regulations of this town and all of the state vehicle laws applicable to street traffic in this town, to make arrests for traffic violations, to investigate traffic accidents and to cooperate with the town traffic engineer and other officers of the town in the administration of the traffic laws and in developing ways and means to improve traffic conditions, and to carry out those duties specially imposed upon the division by this title and the traffic ordinances of this town.

(Ord. 1968-93 § 1 (3712.1), 1969)

10.08.030 - Traffic accident studies.

Whenever the accidents at any particular location become numerous, the traffic division shall cooperate with the town traffic engineer and the traffic committee in conducting studies of such accidents and determining remedial measures.

(Ord. 1968-93 § 1 (3712.2), 1969)

10.08.040 - Traffic accident reports.

The traffic division shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed alphabetically by location. Such reports shall be available for the use and information of the town traffic engineer and the traffic committee. Should the traffic committee

so determine, it, or any person designated by it, may maintain an independent system of filing traffic accident reports.

(Ord. 1968-93 § 1 (3712.3), 1969)

10.08.050 - Traffic safety report.

A. The traffic division shall annually prepare a traffic report which shall be filed with the council. The traffic division may delegate the preparation of the traffic report to the traffic committee. Such a report shall contain information on traffic matters in this town, as follows:

1. The number of traffic accidents, the number of persons killed, the number of persons injured, and other pertinent traffic accident data;
2. The number of traffic accidents investigated and other pertinent data on the safety activities of the police;
3. The plans and recommendations of the division for future traffic safety activities.

B. The traffic committee may delegate the preparation of the traffic report to any person or persons selected by it. The report shall be submitted to the traffic committee for its approval prior to its filing with the council.

(Ord. 1968-93 § 1 (3712.4), 1969)

10.08.060 - Town traffic engineer—Office established.

The office of town traffic engineer is established. The town traffic engineer shall be appointed by the council, and he shall exercise the powers and duties as provided in this title and in the traffic ordinances of this town. Whenever the town traffic engineer is required or authorized to place or maintain official traffic control devices or signals, he may cause such devices or signals to be placed or maintained.

(Ord. 1968-93 § 1 (3712.5), 1969)

10.08.070 - Town traffic engineer—Powers and duties.

It shall be the general duty of the town traffic engineer, as directed by the town council or traffic committee, to determine the installation and proper timing and maintenance of traffic control devices and signals, to conduct engineering analyses of traffic accidents and to devise remedial measures, to conduct engineering and traffic investigations of traffic conditions and to cooperate with other town officials in the development of ways and means to improve traffic conditions, and to carry out the additional powers and duties imposed by ordinances of this town. Whenever, by the provisions of this title, a power is granted to the town traffic engineer or a duty imposed upon him, the power may be exercised or the duty performed by his deputy or by a person authorized in writing by him.

(Ord. 1968-93 § 1 (3712.6), 1969)

10.08.080 - Traffic committee—Established.

There is established an advisory traffic committee to serve without compensation, the voting members of which shall be five citizens who are to be selected and designated by the council. Advisory and

TITLE 10 - VEHICLES AND TRAFFIC
CHAPTER 10.08 - ADMINISTRATION

non-voting members shall be the town traffic engineer, and the chief of police or any duly authorized representative from the police department.

(Ord. 1984-203 § 1, 1984: Ord. 1979-169 § 1, 1979: Ord. 1973-122 § 1, 1973: Ord. 1968-93 § 1 (3712.7), 1969)

10.08.090 - Traffic committee—Duties.

It shall be the duty of the traffic committee to suggest the most practicable means for coordinating the activities of all officers and agencies of this town having authority with respect to the administration or enforcement of traffic regulations; to stimulate and assist in the preparation and publication of traffic reports; to receive complaints having to do with traffic matters; and to recommend to the legislative body of this town and to the town traffic engineer, the police department, and other town officials, ways and means for improving traffic conditions and the administration and enforcement of traffic regulations.

(Ord. 1968-93 § 1 (3712.8), 1969)

DRAFT FOR DISCUSSION PURPOSES ONLY

The Ideal Candidate

The Town Council is seeking a Town Manager that will inspire and motivate – critically important leadership traits during these challenging economic times. The Town Manager will be a dedicated public servant who supports and implements the policies of the Town Council. The Town Council seeks a Town Manager who understands and supports Portola Valley's values and will maintain the Town's unique and high quality of life. The ideal candidate will possess superior interpersonal and communication skills, and have a proven track record as a confident and innovative leader who is comfortable operating with an active and involved citizenry. This individual will provide options and solutions on an array of topics, always addressing in an open and transparent fashion.

This public sector candidate will be skilled in addressing ongoing organizational and financial challenges in today's economic times. Ideally, this individual will have experience dealing with process efficiencies drawn from a solid and well developed foundation in local government, which may have been gained from city management or a position of comparable leadership in municipal service.

Equally important, the Town Manager will be an action-oriented person who can successfully address a variety of issues using sound judgment and a well-honed business sense.

To successfully lead the organization, the individual selected will:

- Have a genuine concern for *preserving the quality of life* presently offered to the residents of Portola Valley.

- Have *outstanding leadership and management* skills;

- Possess a *strong business sense* and *financial acumen*;

- Demonstrate *forward thinking*, blending *innovation* and *creativity*;

- Lead with *integrity and unquestionable ethics* supported by a strong and successful public sector career history;

- Promote *access, openness, and responsiveness*, personally setting the example throughout the organization and community;

- Consistently use *superior communication skills* and *welcome dialogue and debate*;

- Appreciate the *variety and diversity of contributions* from all sources within the organization and the community; and

- Demonstrate a *solution-orientation* and provide *sound, fair, and unbiased advice* to the Town Council.

In summary, the ideal candidate will view Town Hall as being a focal-point for citizens and will actively promote this open/approachable government with a responsive staff that is comfortable with a high level of transparency and openness that continually strives to achieve effective and efficient service delivery in this beautiful and rural environment.

The Ideal Candidate

Qualifying Experience and Education

Experience – This position requires an experienced public administrator with a minimum of five (5) years of increasingly responsible experience in municipal government, including significant administrative and superiority responsibility.



Education – A Bachelor's degree from an accredited college or university with major course work in public administration, business administration or a related field. A Masters of Public Administration or other equivalent additional experience is desirable.

Review of Qualifying Experience and Education – Ralph Andersen & Associates will assist the Town Council in the screening and evaluation of resumes to determine the appropriate match of professional experience and education. Each candidate will be required to present their own career history and credentials to highlight their accomplishments and ability to lead this organization. **Personal style and interpersonal communication skills are critical to this process and will be paramount for success in this position.**

Compensation & Benefits

The salary for this position will be consistent with the Town's recent compensation practices and will include a benefit package with CalPERS retirement (2%@55). Portola Valley does participate in Social Security. The Town Council will negotiate an employment contract with the selected candidate which may include moving and relocation assistance. Further details on the compensation and benefits package can be obtained from Ralph Andersen & Associates.

To Be Considered

Interested candidates may apply for this career opportunity by submitting a resume and a compelling cover letter detailing how their experience matches the Town's best interests. In addition, candidates should include at least five (5) work related references and current salary to apply@ralphandersen.com. Candidates are asked to apply prior to Friday, January 16, 2012.

This is a highly confidential search process. References will not be contacted until mutual interest has been established. Confidential inquiries are welcomed and should be directed to Heather Renschler, Ralph Andersen & Associates, at (916) 630-4900.

Recruitment Schedule

Applicants should be aware of these important dates for the recruitment process:

- January 16, 2012 – Deadline for applications to be considered for this position
- Late February/Early March 2012 – Finalist interviews with the Town Council
- Mid-March 2012 – Town Council announces selection of new Town Manager
- April 2012 – New Town Manager joins the Town of Portola Valley



ANNOUNCING AN OUTSTANDING
CAREER OPPORTUNITY

TOWN OF
PORTOLA VALLEY
Town Manager

Surrounded by wooded hills, this pristine and picturesque town of 4,500 residents is located just west of Stanford University in a green and gold valley.

Apply by January 16, 2012



THE TOWN OF PORTOLA VALLEY IS AN
EQUAL OPPORTUNITY EMPLOYER

RECRUITMENT SERVICES PROVIDED BY RALPH ANDERSEN & ASSOCIATES



Career Opportunity

As a result of a pending retirement, the Town Council is seeking qualified candidates that embrace the values and ambiance that this community offers its residents. The Town Manager is responsible for the effective and efficient operation of Town government, in conformance with the policies adopted by the Council.

Portola Valley lies in the scenic foothills of southern San Mateo County just five miles west of Palo Alto. Covering ten square miles and with a population of approximately 4,500, the Town prides itself on its small town rural character. With a staff of 13 full-time positions and 2 part-time positions, the Town's annual budget for 2011-12 is \$6.7 million. The Town of Portola Valley contracts for police services with from the San Mateo County Sheriff's Office and is also served by an independent fire district.

The History of the Community

In 1834, the Portola Valley was part of the 13,000-acre Rancho el Corte de Madera. The origins of the modern town of Portola Valley can be traced back to the small logging town of Searsville that stood along Sand Hill Road from the 1850s until 1891. It offered services for the men who came to cut the redwoods for the post gold rush building boom.

By the dawn of the twentieth century, the redwoods were mostly gone, Searsville had been abandoned, and a reservoir, known today as Searsville Lake, had been created. At that time, Andrew Hallidie (inventor of San Francisco's cable cars) lived on a large estate extending from Portola Road to the Skyline. He offered a portion of his Eagle Home Farm as a site for a school to replace the one at Searsville, and the small village of Portola developed around it near today's Episcopal Church.

The area became a place of small farms and large estates. Immigrants from Ireland, Portugal, Croatia, Italy, China, the Philippines, Chile, and Germany joined together to raise strawberries, herd cattle and cut firewood. The large landowners came from San Francisco to escape the summer fog. A few were year round residents.

Extensive residential development did not begin until after World War II, and by the early 1960s, many residents had become alarmed by increasing pressures for housing and business expansion. As a result of this in 1964, residents voted to incorporate in order to have local control over development. The goals were to preserve the beauty of the land, to foster low-density housing, to keep government costs low by having a cadre of volunteers, and to limit services to those necessary for local residents.

Astride the world-famous San Andreas Fault, the Town of Portola Valley values its environmental and historic heritage, its excellent public schools, and its economical Town government, supported by a multitude of volunteers. An extensive trail system, scenic roads, open space, and natural views contribute to one's feeling of being in the country, as do architectural guidelines that stress "blending in." Commercial activity is encouraged to the extent that it primarily meets needs of residents of the community. These factors have enabled the town to retain a rural ambiance reminiscent of earlier days.

Since incorporation in 1964, development in Portola Valley has been slow and the town has kept a rural ambiance reminiscent of days gone by. Today, Portola Valley is home to 4,500 residents in 1,700 households. In the view of many, the community offers a good balance between modern development and pastoral quiet. Nineteen hundred acres of permanent open space exist within the town. Residents continue to treasure the town's environmental and historic heritage, its excellent public schools and its town government staffed by a multitude of volunteers.

The Governing Structure

Incorporated in 1964, Portola Valley is a General Law City operating under a Council-Mayor form of governance. An elected five-member Town Council sets policy for the Town, with valuable assistance from the Town's 16 volunteer advisory committees. The Town Council appoints the Town Manager, Town Attorney, and members of the volunteer advisory committees and commissions. All other employees are appointed by the Town Manager.

Town Council

The Town Council is comprised of five members elected by the citizens of Portola Valley.

The Town Council is responsible for all the Town's governmental functions except those services provided by the Woodside Fire Protection District, West Bay Sanitary District, and other utility providers. Cable and garbage services are provided through franchise agreements entered into by the Town on behalf of its residents. Law enforcement services are provided through a contract between the Town and the San Mateo County Sheriff's Department. Elementary and middle schools are governed by the Portola Valley School District.

The Town Council:

- Receives and budgets all revenues
- Appoints the Town Manager, Town Attorney, Advisory Commissions and Committees, and establishes salary ranges
- Adopts ordinances, policies and regulations
- Grants franchises
- Considers appeals from decisions of the Planning Commission, Architectural and Site Control Commission, and Town Manager and may affirm, reverse or modify these decisions or findings
- Establishes fee schedules and charges for municipal services
- May buy, lease and hold real and personal property for the Town
- Has the power to declare an emergency.



Commissions and Advisory Committees

Portola Valley uses Commissions and Advisory Committees to assist in the Town's governance.

Ultimately, the Town's commissions and advisory committees seek to fulfill the needs of the community as they are identified by the Town Council. Committees are encouraged to develop and communicate to the Town Council recommendations under their purview that will enhance the quality of life for residents, provided, however, the emphasis on committee work is to be placed on meeting the goals and objectives that have been identified by the Town Council.

The Town has two Commissions: the Planning Commission and the Architectural and Site Control Commission. The Town has 16 permanent Advisory Committees:

- | | |
|--------------------------|----------------------------|
| • Cable and Utilities | • Nature and Science |
| • Undergrounding | • Open Space Acquisition |
| • Community Events | • Parks & Recreation |
| • Conservation | • Public Works |
| • Cultural Arts | • Sustainability |
| • Emergency Preparedness | • Teen |
| • Finance | • Bicycle, Pedestrian, and |
| • Geologic Safety | • Traffic Safety |
| • Historic Resources | • Trails & Paths |

From time to time, special ad hoc committees are appointed by the Council to make recommendations on issues of importance to the community.

The Position of Town Manager

The Town Manager plans, directs, manages and oversees the activities and operations of the Town and represents the Town to outside agencies and organizations. The Town Manager also provides highly responsible and complex administrative support to the Town Council and also performs the functions of Finance and Purchasing Officer, Treasurer, Personnel Officer and Property Director.

The Town Manager is an at-will position that works at the pleasure of the Town Council.

Responsibilities of the Town Manager include the following:

- Assume full management responsibility for all Town operations.
- Direct the development and implementation of the Town's goals, objectives, policies and priorities. Develop strategic planning process to guide the future of the Town.
- Establish, within Town policy, appropriate service and staffing levels; monitor and evaluate the efficiency and effectiveness of service delivery methods and procedures; allocate resources accordingly.
- Plan, direct and coordinate, through staff and consultants, the work plan for the Town; assign projects and programmatic areas of responsibility; review and evaluate work methods and procedures; meet with appropriate staff and consultants to identify and resolve problems.
- Assess and monitor workload, administrative support systems and internal reporting relationships; identify opportunities for improvement.
- Select, motivate and evaluate personnel and consultants; resolve personnel concerns and issues.

Challenges and Opportunities – Not unlike many towns and cities in California, Portola Valley has recently undertaken a detailed review of their current financial situation, and will expect the Town Manager to be a strong financial leader. Fiscal challenges include addressing employee compensation and benefits, and the overall long-term fiscal viability of the organization and the service delivery model currently in place. With the consensus of the Town Council and the backing of the community, the new Town Manager will be well-supported in all these endeavors to achieve ongoing fiscal stability.

Ultimately, the Town Manager will assist the Town Council in delivering services to the community in the most efficient and effective manner with a careful consideration of cost/expenditures.

#10

There are no written materials for this agenda item.

#11

There are no written materials for this agenda item.

TOWN COUNCIL WEEKLY DIGEST

Friday – October 7, 2011

-
- 1. Letter to Angela Howard from Ruth Peterson expressing appreciation for the \$3,000 contribution the Town made to Sustainable San Mateo County's 2012 Indicators Report – September 27, 2011
 - 2. E-mails to various Councilmembers and Angela Howard from Dave Boyce regarding PV Council's position on Ladera/Weekend Acres section of trail – September 30, 2011
 - 3. Memorandum to Town Council and Town Center from Gunter Steffen about the Letter to San Mateo County regarding the lower Alpine Road C-1 Trail – October 5, 2011
 - 4. Memorandum to Town Center from Janet Davis regarding Alpine Road Trail letter – October 5, 2011
 - 5. Issued Building Permit Activity: September 2011
 - 6. Agenda – Regular ASCC Meeting – Monday, October 10, 2011
 - 7. Agenda – Trails and Paths Committee Meeting – Tuesday, October 11, 2011
 - 8. Agenda – Meeting of the Emergency Preparedness Committee – Thursday, October 13, 2011
 - 9. Agenda – Cultural Arts Committee Meeting – Thursday, October 13, 2011
 - 10. Agenda – Nature and Science Committee Meeting – Thursday, October 13, 2011
 - 11. Action Agenda – Special Joint Meeting of the Town Council and Planning Commission – Wednesday, October 5, 2011

Attached Separates (Council Only)

- 1. Invitation to attend the 10th Annual Housing Leadership Day on Friday, October 21, 2011
- 2. Invitation to attend San Mateo Council of Cities Dinner/Meeting on Friday, October 28, 2011
- 3. Invitation to attend San Mateo County Sheriff's Office/Forensic Laboratory/Coroner's Office Open House on October 27th and 28th, 2011
- 4. Labor – October, 2011
- 5. Water for Tomorrow – Volume Three, Number One



**Sustainable
San Mateo County**
Economy. Equity. Environment.

Dedicated to the long-term health and vitality of our region

(650) 638-2323 • Fax: (650) 341-1395

177 Bovet Road, Sixth Floor, San Mateo, CA 94402

E-mail: advocate@sustainableanmateo.org

Web: www.sustainableanmateo.org

Founder

MARCIA PAGELS

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Executive Director

KARI BINLEY

Project Coordinator

Energy Ambassador

Program

MICHAEL CARPOL

Project Coordinator

Indicators Report

ADAM LYNCH

September 27, 2011

Angela Howard
Town Manager
765 Portola Road
Portola Valley, CA, 94028

Dear Angela,

Thank you very much for your contribution of \$3000.00 to Sustainable San Mateo County's 2012 Indicators Report. Your gift will be used to support our Sixteenth Annual Indicators Report to raise awareness of sustainability in our county and improve our ability to make sound decisions for the benefit of future generations.

This letter serves as confirmation that your contribution to Sustainable San Mateo County is fully tax-deductible. No goods or services were received in consideration for this contribution.

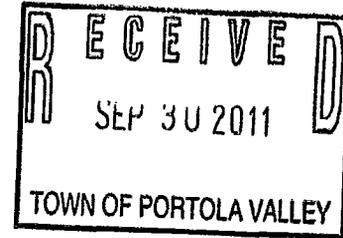
Our work is made possible through the generosity of donors. We are very grateful for your help. Thanks again for supporting SSMC.

Sincerely,

Ruth
Ruth Peterson
Board Chair Emeritus

*Thanks -
Angela!*

Donation Receipt:
Amount: \$3,000



Please consider this letter official receipt of your tax deductible contribution on 8/1/11 in the amount of \$3000.00. No goods or services were provided to you in consideration of this gift. Our federal tax identification number is 48-135776. This organization is a 501(c)(3) tax exempt organization, IRS Section 170(b)(2)(iii) for both federal and state tax purposes. SUSTAINABLE SAN MATEO COUNTY is a nonprofit public benefit corporation exempt from federal income tax under IRS Code Section 501(c)(3)

2

Michele Arana

From: Angela Howard
Sent: Friday, September 30, 2011 12:23 PM
To: Michele Arana
Subject: FW: PV council's position on Ladera/Weekend Acres section of trail

digest

From: Dave Boyce [mailto:dboyce@AlmanacNews.com]
Sent: Friday, September 30, 2011 12:03 PM
To: Angela Howard; Maryann Derwin Home; Steve Toben; awengert@pop.net; John Richards
Subject: Re: PV council's position on Ladera/Weekend Acres section of trail

I have called George Mader and gotten the answers I needed. Thanks.

DB

On Fri, Sep 30, 2011 at 11:43 AM, Dave Boyce <dboyce@almanacnews.com> wrote:
Sorry. I meant this question to ask about the council's position or lack of it in 2007 and 2010.

DB

----- Forwarded message -----

From: Dave Boyce <dboyce@almanacnews.com>
Date: Fri, Sep 30, 2011 at 11:35 AM
Subject: PV council's position on Ladera/Weekend Acres section of trail
To: Angela Howard <ahoward@portolavalley.net>, Ted Driscoll <ted@driscoll.com>, Maryann Derwin <maryann@derwin.com>, Steve Toben <stoben@florafamily.org>, Ann Wengert <awengert@pop.net>, John Richards <jrichards@portolavalley.net>

I'm not sure to whom I should address this question. Jon Silver wondered aloud at the Sept. 28 meeting why the PV council did not take a position on Stanford's offer to upgrade the Ladera/Weekend Acres trail.

Is he correct? Did Portola Valley stay out of it in 2007 and 2010? If so, would one of you please tell me why? And why the council elected to do so this time?

Thanks very much.

Dave

--

Dave Boyce
Staff writer, The Almanac
450 Cambridge Ave.
Palo Alto, CA 94025
Tel: (650) 223-6527
dboyce@AlmanacNews.com

From: Gunter Steffen [gsteffen1@sbcglobal.net]
Sent: Wednesday, October 05, 2011 6:28 PM
To: Steve Toben; Ted Driscoll; Maryann Derwin; John Richards; Ann Wengert; TownCenter
Cc: jon3silver@yahoo.com
Subject: Re: letter to San Mateo County regarding the lower Alpine Road C-1 trail"

To all concerned:

I attended the Town Council meeting where it was decided that the town council would take a "neutral" stance vis-a-vis the proposed trail running from the Town limit to Junipero Serra. The rationale given was that the matter of trail development in that section should be left to the residents of SWA (Stanford Weekend Acres) since they are the ones most severely impacted. The impact of trail development differs so greatly from what exists in Portola Valley that the council did not feel it could issue an endorsement regarding that section of the trail. It was also agreed at the meeting that the Council would speak in positive tones regarding their own experience working with Stanford and leave it at that.

It was obvious from comments made by vice-mayor, Maryann Derwin, that she was sorely disappointed that the Council did not give its full support to the development of the trail segment going through SWA and I fear these feelings are reflected in the wording of her "Acceptance of Funds for Construction of the C-1 Trail" memo. And it is this wording to which I would like to raise objection and request that this draft letter either be revised to accurately reflect what was decided at the meeting or not be sent at all.

I believe that both items 3 and 4, need to be either rewritten or stricken because both express a distinct if subtle bias toward acceptance of Stanford funds and express a desirability to complete the trail, in contravention to the position of neutrality that was expressedly decided at the meeting.

In the interest of community relations and as a demonstration of integrity and good faith, I strongly urge you not to send this letter without the appropriate editing so that it truly reflects the will of the council. Thank you for your consideration.

Kind regards,

Gunter J. Steffen
Resident of SWA

From: Janet Davis [jadjad@sbglobal.net]
Sent: Wednesday, October 05, 2011 5:35 PM
To: TownCenter
Subject: Alpine Road trail letter

The letter as drafted is NOT neutral and gives the wrong impression of what was decided. It is signed by Maryann Derwin who displayed very childish and biased behavior during last week's meeting where the letter was discussed. This letter should NOT be sent to Dave Holland since it misconstrues what was decided.

Town of Portola Valley

Issued Building Permit Activity: September 2011

	Permits This Month	Permits FY 11-12 To Date	Total Valuation This Month	Total Valuation FY 11-12 To Date	Application Fees Collected This Month	Application Fees FY 11-12 To Date	Plan Check Fees Collected This Month	Plan Check Fees FY 11-12 To Date	Total Fees Collected FY 11-12	Total Fees Collected FY 10-11
New Residence	0	1	0	1,330,000	0.00	6,813.25	0.00	4,428.61	11,241.86	9,977.14
Commercial/Other	0	0	0	0	0.00	0.00	0.00	0.00	0.00	0.00
Additions	4	6	1,018,925	1,451,245	7,161.10	10,450.60	4,654.72	6,792.90	17,243.50	20,696.80
Second Units	2	3	220,000	405,000	2,007.00	3,476.75	1,304.55	2,259.89	5,736.64	2,378.89
Remodels	3	14	258,300	1,595,175	2,624.25	13,312.20	1,705.77	8,526.03	21,838.23	20,222.75
Pools	0	5	0	543,600	0.00	5,058.35	0.00	3,287.94	8,346.29	6,664.53
Stables	0	0	0	0	0.00	0.00	0.00	0.00	0.00	0.00
Termite/Repairs	1	1	10,000	10,000	181.25	181.25	0.00	0.00	181.25	252.81
Signs	0	0	0	0	0.00	0.00	0.00	0.00	0.00	0.00
House Demos	3	3	0	0	300.00	300.00	0.00	0.00	300.00	100.00
Other	17	57	302,406	1,170,563	2,928.75	13,724.15	431.76	3,844.96	17,569.11	19,685.68
	30	90	1,809,631	6,505,583	15,202.35	53,316.55	8,096.80	29,140.33	82,456.88	79,978.60
Electrical	9	42	0	0	894.16	3,086.19	0.00	0.00	3,086.19	2,115.71
Plumbing	8	34	0	0	723.00	2,673.45	0.00	0.00	2,673.45	2,067.65
Mechanical	7	23	0	0	687.00	1,890.45	0.00	0.00	1,890.45	1,304.90
Total Permits	54	189	1,809,631	6,505,583	17,506.51	60,966.64	8,096.80	29,140.33	90,106.97	85,466.86



6

**TOWN OF PORTOLA VALLEY
ARCHITECTURAL AND SITE CONTROL COMMISSION (ASCC)
Monday, October 10, 2011
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. Follow-up Review - Architectural Review For New Residence, Proposed Final Landscape Plan and New Proposal for Driveway Entry Gate, 5922 Alpine Road, Lefteroff
5. New Business:
 - a. Architectural Review and Site Development Permit X9H-633, Residential Redevelopment, 50 Pine Ridge Way, Gilbert
6. Approval of Minutes: September 26, 2011
7. Adjournment

*For more information on the projects to be considered by the ASCC at the Special Field and Regular meetings, as well as the scope of reviews and actions tentatively anticipated, please contact Carol Borck in the Planning Department at Portola Valley Town Hall, 650-851-1700 ex. 211. Further, the start times for other than the first Special Field meeting are tentative and dependent on the actual time needed for the preceding Special Field meeting.

PROPERTY OWNER ATTENDANCE. The ASCC strongly encourages a property owner whose application is being heard by the ASCC to attend the ASCC meeting. Often issues arise that only property owners can responsibly address. In such cases, if the property owner is not present it may be necessary to delay action until the property owner can meet with the ASCC.

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

ASSISTANCE FOR PERSONS WITH DISABILITIES

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Technician at 650-851-1700, extension 211. Notification 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting.

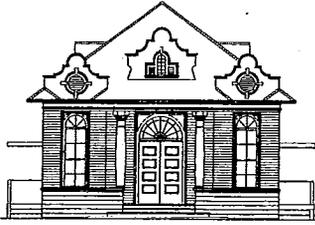
PUBLIC HEARINGS

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

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

Date: October 7, 2011

CheyAnne Brown
Planning Technician

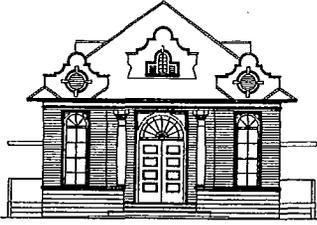


TOWN OF PORTOLA VALLEY
Trails and Paths Committee
Tuesday, October 11, 2011 - 8:15 AM
Historic Schoolhouse
765 Portola Road, Portola Valley, CA

AGENDA

1. Call to Order
2. Oral Communications
3. Approval of Minutes – September 13, 2011
4. Financial Review
5. Old Business
 - a) Alpine Rd. / C1 Path update
 - b) Hitching rack
6. New Business
 - a) Trail Work – September
 - b) Alpine C-1 Trail, Ribbon Cutting and Possible Naming
 - c) General Crosswalk Discussion
7. Other Business
8. Adjournment

Enclosures:
Minutes of September 13, 2011
Financial Review
Trail Work and Map for September



8

TOWN OF PORTOLA VALLEY
Meeting of the
Emergency Preparedness Committee
Thursday, October 13, 2011 - 8:00 AM
EOC / Town Hall Conference Room
765 Portola Road, Portola Valley, CA 94028

AGENDA

1. Call to order
2. Oral communications
3. Review and approve minutes of September meeting
4. Discuss CERPP relationship and develop action items
 - Review and discuss letter from CERPP Executive Board
5. Discuss potential consultant job specification and recommendation
6. Discuss emergency alert proposal
7. Discuss Chair nominations for EPC 2012
8. Review and discuss the August 31 Town Council / EPC joint meeting
 - Lessons learned
 - Follow up
9. Discuss Town Evacuation exercise
10. Review outreach plans, next postcard to residents
11. Subcommittee reports
12. Other business
13. Adjourn promptly at 9AM



9

TOWN OF PORTOLA VALLEY
Cultural Arts Committee
Thursday, October 13, 2011 - 1:00 PM
Historic Schoolhouse
765 Portola Road, Portola Valley, CA

AGENDA

1. Call to Order
2. Oral Communications (topics for future meetings)
3. Approval of Minutes from September 8, 2011
4. Update on Art Exhibit at Priory
 - a) Discussion of tasks to be completed
 - b) Request volunteers for tasks
5. Chair of Committee; who will lead?
 - a) Possible solutions
 - b) Determine schedule of leadership?
6. Holiday Faire results from Forum
 - c) Did anyone volunteer to chair the faire with CAC support? If yes, determine date
 - d) Timing to reintroduce the event
 - e) Notify Town Re: decision for calendar
7. Alternatives for CAC activities: speakers, field trips, events
8. Next Meeting November 10, 1:00 pm in the Historic Schoolhouse
9. Adjournment



Town of Portola Valley
Nature and Science Committee Meeting
Thursday, October 13, 2011 – 4:00 pm
Historic Schoolhouse at Town Center
765 Portola Road, Portola Valley, CA

MEETING AGENDA

1. Call to Order
2. Oral Communications (Anyone wanting to address the Committee OR anyone wanting to speak on something that is not on the agenda)
3. Minutes of August 11 and 26, 2011 meetings
4. Reports:
 - George Comstock – Proposal for radio-controlled flight times
 - Yvonne – Town Center classes and Nature Center progress
 - Treena – Insect Activity Day, including Lyme disease program
 - Andrew – Star Party
5. Planning:
 - Suggestions for future programs
6. Budget: Review updated budget
7. Action Items:
 - Budget updates
 - Program proposals
8. Publicity:
9. Other reports including Sub-Committee/Liaison Reports:
 - Climate Protection Task Force
 - Conservation Committee
 - Sudden Oak Death Study Group
10. Adjournment:
 - Next meeting: December 8, 2011 at 4:00 p.m.



TOWN OF PORTOLA VALLEY

7:30 PM – Special Joint Meeting of the Town Council
and Planning Commission
Wednesday, October 5, 2011
Historic Schoolhouse
765 Portola Road, Portola Valley, CA 94028

ACTION AGENDA

7:35 PM – CALL TO ORDER, PLEDGE OF ALLEGIANCE AND ROLL CALL

Vice Mayor Derwin, Mayor Driscoll, Councilmember Richards, Councilmember Toben, Councilmember Wengert
Commissioners Gilbert, McIntosh, Chair McKitterick, Von Feldt and Zaffaroni

All Council member and Commissioners were present

ORAL COMMUNICATIONS

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

Town Manager Howard reported that Nancy Lund is recovering nicely.

CONSENT AGENDA (7:36 pm)

(1) **Approval and Acceptance** of revised letter to San Mateo County regarding the lower Alpine Road C-1 trail

Draft letter to be sent to the County Board of Supervisors as amended

3-1-1

Councilmember Toben, Richards and Wengert – Yea, Vice Mayor Derwin – Nay and Mayor Driscoll abstained

REGULAR AGENDA (8:03 pm)

(2) **Welcoming Remarks from Mayor Driscoll**

(3) **Overview of Council / Planning Commission / Liaison roles from Town Attorney Sloan**

(4) **Discussion: Effective and Ongoing Communications between Council and Planning Commission**

There are no written materials for items 2, 3 & 4.

The Town Council and Planning Commission discussed what if any possible improvements could be made to the preliminary review process, the agreed importance of complete and clear applications and the benefit of holding an annual Town Council / Planning Commission meeting.

WRITTEN COMMUNICATIONS (9:35 pm)

(5) **Town Council Weekly Digest – September 30, 2011**

#3 - Property is on the market

ADJOURNMENT: 9:40 pm Mayor Driscoll adjourned the meeting in honor of visionary Steve Jobs.

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.

TOWN COUNCIL WEEKLY DIGEST

Friday – October 14, 2011

-
- ☐ 1. Memorandum to Town Council from Leslie Lambert regarding Architectural & Site Control Commission Recruitment – October 13, 2011
 - ☐ 2. Mailing to all Portola Valley residents regarding Sudden Oak Death
 - ☐ 3. Agenda – Sustainability Committee Meeting – Monday, October 17, 2011
 - ☐ 4. Agenda – Parks & Recreation Committee Meeting – Monday, October 17, 2011
 - ☐ 5. Agenda – Regular Planning Commission Meeting – Wednesday, October 19, 2011
 - ☐ 6. Action Agenda – Regular ASCC Meeting – Monday, October 10, 2011

Attached Separates (Council Only)

- ☐ 1. Registration information for League of California Cities 2011 Legislative Briefings
- ☐ 2. Estuary News – October 2011
- ☐ 2. League of California Cities “Western City” – October 2011



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Mayor and Members of the Town Council

FROM: Leslie Lambert, Planning Manager

DATE: October 13, 2011

RE: Architectural & Site Control Commission Recruitment

Staff has posted the upcoming vacancy on the Town's web site, PV Forum and has placed two ads in The Almanac.

Staff followed up with ASCC members to remind them to get the word out and let applicants know to submit their letter of interest to the Town Council by Friday, October 28th. A couple of interested residents have contacted staff for background. If you know of anyone that may be interested, please have them submit a letter of interest no later than October 28th. We look forward to the interviews on November 9th.

**Woodside & Portola Valley
COMBATING SUDDEN OAK DEATH**

SOD Blitz Results
Friday, October 21, 7 P.M. to 9 P.M.
Community Hall at Portola Valley Town Center
765 Portola Road, Portola Valley

Mitigation Training
Sunday, October, 23, 1:00 P.M.
Meet at Portola Valley Ranch House, 1 Indian Crossing, 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.

Thank you to all the "citizen scientists" who have made the understanding of the distribution of SOD on a yearly basis a reality. Infection levels almost doubled in 2011 compared to previous years. Let's see what we can do to slow down the epidemic.

- **Matteo Garbelotto**, Adjunct Associate 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) on Friday and lead the training on Sunday.

BULK RATE AVAILABLE FOR AGRI-FOS & PENTRABARK ONLY AT FRIDAY NIGHT MEETING – PLEASE BRING A CHECK TO PARTICIPATE

For more information, contact:
Kevin Bryant, Town of Woodside, 851-6790, kbryant@woodsidetown.org
Leslie Lambert, Town of Portola Valley, 851-1700 x212, llambert@portolavalley.net



3

TOWN OF PORTOLA VALLEY
Sustainability Committee Meeting
Monday, October 17, 2011 – 4:00 PM
Town Hall, Conference Room
765 Portola Road, Portola Valley, CA 94028

AGENDA

1. Call To Order
2. Oral Communications
3. Approval of Minutes from September 19, 2011
4. Confirm Continuing Committee Members for 2012
5. Update on Programs
 - a. Acterra High Energy Home Program
 - b. Energy Upgrade Portola Valley
6. Review of Outreach & Events
7. Update on Tuesday Speaker Series
8. Review of Report to Acterra on High Energy Homes Software
9. Brainstorm Ideas for Home Energy Diaries Video
10. Review of Projects
 - a. Smart Strip Guide
 - b. Did You Consider Flyers
 - c. Home Energy Detective Kit
 - d. Profile Postcards
11. Next Steps, Next Meeting Date & Reminders
 - a. Discuss meeting date for November (14th or 21st)
12. Announcements
13. Adjournment by 5:30 p.m.



4

Town of Portola Valley
Parks & Recreation Committee Meeting
Monday, October 17, 2011 – 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 15, 2011 (*5 minutes*)
4. Discussion of Skateboard Ramp (*15 minutes*)
5. Discussion of Tennis Courts (*5 minutes*)
6. Discussion of Town Center Softball Field (*15 minutes*)
7. Discussion of Ford Field Design (*30 minutes*)
8. Zots to Tots Review (*15 minutes*)
9. Discussion of Parks and Rec membership (*5 minutes*)
10. Adjournment

Next meeting: November 21, 2011



5

TOWN OF PORTOLA VALLEY
REGULAR PLANNING COMMISSION MEETING
765 Portola Road, Portola Valley, CA 94028
Wednesday, October 19, 2011 – 7:30 p.m.
Council Chambers (Historic Schoolhouse)

AGENDA

Call to Order, Roll Call

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

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. Preliminary Review, Request for Deviation from Town Resolution 2506-2010, 21 Santa Maria Avenue, Berka/Akers

Commission, Staff, Committee Reports and Recommendations

Approval of Minutes:

Adjournment

ASSISTANCE FOR PERSONS WITH DISABILITIES

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PUBLIC HEARINGS

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This Notice is posted in compliance with the Government Code of the State of California.

Date: October 14, 2011

CheyAnne Brown
Planning Technician



6

TOWN OF PORTOLA VALLEY
ARCHITECTURAL AND SITE CONTROL COMMISSION (ASCC)
Monday, October 10, 2011
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: 7:30 p.m.
2. Roll Call: Aalfs, Breen, Clark, Hughes, Warr (**Hughes absent. Also present: Tom Vlasic Town Planner; Carol Borck Planning Technician; Denise Gilbert Planning Commission Liaison; John Richards Town Council Liaison**)

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.

Breen commented on her surprise that ASCC had not been given opportunity to review/comment on C-1 trail landscaping plan. Vlasic advised he would report to ASCC and perhaps a designated member could review plant placement.

4. Old Business:

- a. Follow-up Review - Architectural Review For New Residence, Proposed Final Landscape Plan and New Proposal for Driveway Entry Gate, 5922 Alpine Road, Letteroff **Gate approved as proposed, landscaping approved subject to some additional plantings at retaining wall and conditions to be met prior to house occupancy.**

5. New Business:

- a. Architectural Review and Site Development Permit X9H-633, Residential Redevelopment, 50 Pine Ridge Way, Gilbert **Project approved subject to conditions to be met to the satisfaction of a designated ASCC member prior to building permit issuance.**

6. Approval of Minutes: September 26, 2011 **Approved as submitted.**

7. Adjournment 8:17 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.

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Date: October 7, 2011

CheyAnne Brown
Planning Technician

TOWN COUNCIL WEEKLY DIGEST

Friday – October 21, 2011

- ☐ 1. E-mail from Howard Young to Sonia Dhillon-Marty regarding final sign-off on the permit – October 14, 2011
- ☐ 2. FOR IMMEDIATE RELEASE: Midpeninsula Open Space District Honors Assemblyman Gordon for Leadership on Protecting Natural Open Space Lands – October 20, 2011
- ☐ 3. Article from SFGate.com entitled County Eyes \$10 Million Stanford Bike Path Offer – October 19, 2011
- ☐ 4. Agenda – ASCC Field Meeting – Monday, October 24, 2011
- ☐ 5. Agenda – Special Trails and Paths Committee Field Trip to Trail Areas – Tuesday, October 25, 2011
- ☐ 6. Agenda – Conservation Committee Meeting – Tuesday, October 25, 2011
- ☐ 7. Agenda – Special Trails and Paths Committee Field Trip – Wednesday, October 26, 2011
- ☐ 8. Agenda – Teen Committee Meeting – Wednesday, October 26, 2011
- ☐ 9. Action Agenda – Regular Planning Commission Meeting – Wednesday, October 19, 2011

Attached Separates (Council Only)

- ☐ 1. Invitation to attend Supervisor Adrienne Tissier's Birthday Bash on Monday, November 14, 2011
- ☐ 2. League of Women Voters of the Bay Area Education Fund's "Bay Area Monitor" – October/November 2011

Howard Young

From: Howard Young
Sent: Friday, October 14, 2011 12:59 PM
To: 'Sonia Dhillon-Marty'
Cc: CheyAnne Brown
Subject: RE: final sign-off on the permit

Hello Sonia,

I wanted to confirm that I received your email.

I understand that you are frustrated. However, I do not agree with some of your statements and accusations below. I am only interested in finalizing the violation issue which is now complete.

Thanks and have a nice day.

Howard

From: Sonia Dhillon-Marty [mailto:sonia@dhillonmarty.com]
Sent: Monday, October 10, 2011 5:41 AM
To: Howard Young
Cc: CheyAnne Brown; Ted Driscoll Home; John Richards; Maryann Derwin; Ann Wengert
Subject: RE: final sign-off on the permit

Howard,

Thank you for finally signing off the permit for which the work and all the inspections were completed in January. Even though originally you indicated that I could keep small native plants, later you changed your position and told Jeff Lea and I that to get the final sign-off I needed to remove such plants. Most of my neighbors and some people on the trail committee were disappointed as the outside does not look so nice after the removal of the plants. Your constant change of position during this matter and selective application of the rules created unnecessary financial burden and enormous drain on my time.

As written on the town's web site, the homeowner must be notified before removal of any vegetation and screening around his property even on the town's right of way. In my case, the town has not been informing me. I have pictures showing great deal of vegetation that used to exist on both sides of my property. Even this summer, when your department cut the vegetation, I was not informed. I was also not informed of all the meetings you conducted in front of my house. Please follow the town's rules.

Stop singling me out. The rules need to be applied consistently to all the town residents. I expect a long overdue signature for the final on this permit without any additional conditions. If you intend to do something different, then please show me similar examples showing precedents in this town.

Regards,
Sonia Dhillon-Marty
650-529-4098

From: Grant, Margot [Margot.Grant@asm.ca.gov]
Sent: Thursday, October 20, 2011 10:31 AM
To: Grant, Margot
Subject: RELEASE: Midpeninsula Open Space District Honors Assemblyman Gordon for Leadership on Protecting Natural Open Space Lands
Attachments: 2011_1019RichGordonResolution0003.jpg; AB 612 MROSD board presentation_10 20 11.doc



Photo available

FOR IMMEDIATE RELEASE

CONTACT: Margot Grant, (650) 691-2121

October 20, 2011

Midpeninsula Open Space District Honors Assemblyman Gordon for Leadership on Protecting Natural Open Space Lands

(LOS ALTOS, CALIF.) Wednesday, Assemblyman Rich Gordon (Menlo Park) was honored by the Midpeninsula Open Space District’s (MROSD) Board of Directors for his leadership in the passage of AB 612, legislation that extends MROSD’s term to repay future promissory notes from 20 to 30 years, providing more funds to protect critical natural lands on the peninsula.

“The additional 10 years to repay authorized debt will provide the district with more funds to permanently protect and restore lands, and provide opportunities for public recreation and environmental education,” noted Assemblyman Rich Gordon following the board’s presentation.

Under California’s Public Resources Code, regional park and open space districts can issue promissory notes to acquire land and facilities. While the notes must be repaid within 20 years, Gordon’s bill enables MROSD to pay the borrowed funds back over 30 years thereby using its existing revenue more effectively without adding any burden to the taxpayer. By paying future notes back to the borrower over a longer period of time, the open space District will receive lower annual interest rates, expand its debt capacity and, as a result, obtain significantly more money to purchase and preserve open space lands. And all this can be done without any tax increases.

“The extended term will provide a huge advantage to taxpayers by giving us approximately 20 percent more in borrowing proceeds and allowing the District to save more land and better protect clean air and water,” said Steve Abbors, MROSD’s General Manager.

The MROSD board presented Assemblyman Gordon with a resolution, thanking him for his leadership and dedication to preserving natural lands along the Peninsula.

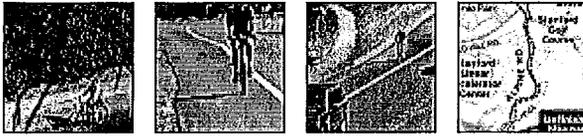
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SFGate.com

County eyes \$10 million Stanford bike path offer

Carolyn Jones, Chronicle Staff Writer

Wednesday, October 19, 2011



It's never been so hard to give away \$10 million.

But that's the dilemma in which Stanford University finds itself. For a decade the university has been trying to give San Mateo County \$10.2 million to fix 1.8 miles of crumbling bike path along Alpine Road. Twice the Board of Supervisors has said no, citing environmental and safety concerns and general community uproar.

On Nov. 1, the supervisors will take up the matter once more. But faced with public outcry and a gaping budget deficit, this time the board appears slightly more inclined to accept the offer.

"People all over California are spending money to build bike paths, get people out of their cars," said Supervisor Don Horsley, who represents the area. "At this point, it seems reasonable to me to try and work something out."

If the supervisors don't make up their minds, Stanford said it'll give the money to Santa Clara County instead.

"From the beginning, we thought this would be a very simple matter," said Stanford spokesman Larry Horton. "Little did we know this would be the single most controversial thing in our entire (plan)."

The saga of the bike path dates from 2000, when Stanford unveiled its long-term development plans for the 8,100 acres it owns in San Mateo and Santa Clara counties. Among other things, the plan calls for removal of several hiking trails in Stanford's vast open space to make way for housing, laboratories and classrooms.

To make up for the lost hiking paths, Stanford promised to build recreational trails elsewhere. Santa Clara County got two trails, and Stanford was going to give San Mateo County and the cities of Portola Valley and Menlo Park money to fix the bike path along Alpine Road, for the benefit of bicyclists and pedestrians heading to and from the Stanford campus.

Portola Valley and Menlo Park both said yes, and their stretch of the bike path is finished. But the segment that runs through unincorporated San Mateo County remains as craggy as ever. Some residents say they like it that way, though, because it discourages bicyclists from traveling a road

that is already dangerously congested.

"This is not a safe trail. There's too much traffic. And they want to expand it? Bring in more bicyclists? I don't get it," said Diana Gerba, a resident of a neighborhood called Stanford Weekend Acres, which the contested bike path runs alongside. "I love Stanford, I do. But I can't believe my university is doing this."

Alpine Road, a tree-lined, two-lane road, is often busy with cars and trucks whizzing along at 40 mph, the posted speed limit, between Stanford and Interstate 280. Depending on whom you ask, the bike path should be wider, smoother and safer for cyclists, or cyclists should be dissuaded altogether from Alpine Road.

At some point the county would likely need to fix the path anyway, although the cost has not been determined, said a county spokesman.

In any case, everyone agrees the bike path is in sorry shape. The banks of San Francisquito Creek are eroding, causing the path to crumble in places, and potholes mar other stretches. The \$10.2 million would be used to shore up the creek, shave a hillside and move Alpine Road a few feet to make way for a wider bike path.

The real issue, though, is not whether Alpine Road is safe for bicyclists, but whether fixing an old bike path is an adequate replacement for lost hiking trails, said Lennie Roberts of Committee for Green Foothills, a Peninsula environmental group.

"They're basically expanding an existing sidewalk," she said. "That's not the same as providing recreational trails in the foothills."

Few deny that San Mateo County could use the money. The county faces a \$50 million deficit and expects to build a \$30 million new jail in the next few years.

County staff recommended Monday the supervisors ask Stanford to extend the offer another two years but lean toward accepting it.

"Stanford's saying, 'Here's \$10 million in a down economy. We'll fix this problem for you,'" said Horsley. "But on the other hand, we're not going to force anything down people's throats."

E-mail Carolyn Jones at carolynjones@sfchronicle.com.

<http://sfgate.com/cgi-bin/article.cgi?f=/c/a/2011/10/19/BA6K1LCVS6.DTL>

This article appeared on page **C - 1** of the San Francisco Chronicle



**TOWN OF PORTOLA VALLEY
ARCHITECTURAL AND SITE CONTROL COMMISSION (ASCC)
Monday, October 24, 2011
Field Meeting (time and place as listed herein)
7:30 PM – Regular ASCC Meeting
Historic Schoolhouse
765 Portola Road, Portola Valley, CA 94028**

FIELD MEETING*

4:00 p.m., 451 Portola Road Field session for preliminary consideration of plans for additions and other improvements to the historic "Lauriston"-Willowbrook Farm," Superintendent's House and Office. (ASCC review to continue at Regular Meeting)

7:30 PM - REGULAR AGENDA*

1. Call to Order:
2. Roll Call: Aalfs, Breen, Clark, Hughes, Warr
3. Oral Communications:

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

4. New Business:
 - a. Architectural Review for Residential Additions and New Attached Garage, 21 Santa Maria Avenue, Berka/Akers
 - b. Preliminary Architectural Review – Proposed Additions and Remodeling, Addition of Attached Garage and Other Site Improvements, "Lauriston"-Willowbrook Farm," Superintendent's House and Office, 451 Portola Road, Naify
5. Staff Reports:
 - a. Process for Implementation of Stanford C-1 Trail Landscape Plans
6. Approval of Minutes: October 10, 2011
7. Adjournment

*For more information on the projects to be considered by the ASCC at the Special Field and Regular meetings, as well as the scope of reviews and actions tentatively anticipated, please contact Carol Borck in the Planning Department at Portola Valley Town Hall, 650-851-1700 ex. 211. Further, the start times for other than the first Special Field meeting are tentative and dependent on the actual time needed for the preceding Special Field meeting.

PROPERTY OWNER ATTENDANCE. The ASCC strongly encourages a property owner whose application is being heard by the ASCC to attend the ASCC meeting. Often issues arise that only

property owners can responsibly address. In such cases, if the property owner is not present it may be necessary to delay action until the property owner can meet with the ASCC.

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

ASSISTANCE FOR PERSONS WITH DISABILITIES

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Technician at 650-851-1700, extension 211. Notification 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting.

PUBLIC HEARINGS

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

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

Date: October 21, 2011

CheyAnne Brown
Planning Technician



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TOWN OF PORTOLA VALLEY
Special Trails and Paths Committee Meeting
Field Trip to Trail areas as below
Tuesday, October 25, 2011 - 8:30 AM
Meet at Hayfields and Portola Road
Portola Valley, CA 94028

SPECIAL MEETING AGENDA

8:30 AM – Meet at Hayfields and Portola Road

1. Call to Order
2. Oral Communications
3. View trail in area on Portola Road at Hayfields
4. View trail in area on Alpine Road at Hillbrook
5. Adjourn



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TOWN OF PORTOLA VALLEY
Conservation Committee
Tuesday, October 25, 2011 - 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 20, 2011
4. **Site Permits**
5. **Tree Permits**
6. **Old Business**
 - A. Update Native plant Garden at Town Center
 - B. Update Town Open Space parcel management/owners:
 - October focus parcel: Blue Oaks (Kearney/Heiple)
 - C. Tip of the month
 - D. Wedding checklist / creek maintenance / creek traffic
 - E. Portola Road view shed
 - Mid Penn permission
 - F. Town panel event / review / Brochure with fire department
 - G. Subcommittee – Wildlife incentive garden program
 - H. Final native plant list for Town website site and ASCC
7. **New Business**
 - A. 220 Golden Hills - review landscape plans prior to ASCC review
 - B. Invasive plant initiative
 - C. Boiler plate / clearing land / CC reports to Town
 - D. Goals of impervious surface definition
 - E. Solar installations and tree permits
 - F. 2012 Committee Membership
8. **Announcements**
9. **Adjournment**



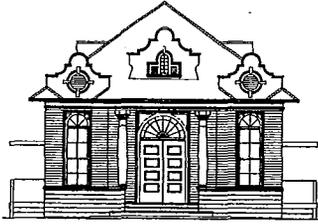
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TOWN OF PORTOLA VALLEY
Special Trails and Paths Committee Meeting
Field Trip
Wednesday, October 26, 2011 - 11:00 AM
Meet at Rossotti's
Portola Valley, CA 94028

SPECIAL MEETING AGENDA

11:00 AM – Meet at Rossotti's

1. Call to Order
2. Oral Communications
3. New Business
 - Review approved planting plan
4. Adjourn



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TOWN OF PORTOLA VALLEY
Teen Committee Meeting
Wednesday, October 26, 2011 - 4:00 PM
Buckeye Room of the Community Hall
765 Portola Road, Portola Valley, CA 94028

AGENDA

1. Call to Order. Welcome.
2. Oral Communications
3. Approval of minutes from September meeting
4. Movie Night update. Sharon reports on budget and technical challenges to rescheduling (insufficient funds in budget – no parent/teens volunteering to organize tech). We need to either budget for the full cost of equipment rental and find a teen/parent team to volunteer to run technical. Agreed Disturbia is the movie to rent.
5. Dance dates – report from Sharon on date
6. Bill and Jean Lane Civic Involvement Project: Questions?
7. Adjournment. Those interested in attending the Town Council meeting as a first requirement of the Bill and Jean Lane Civic Involvement Project go to Historic Schoolhouse



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TOWN OF PORTOLA VALLEY
REGULAR PLANNING COMMISSION MEETING
765 Portola Road, Portola Valley, CA 94028
Wednesday, October 19, 2011 – 7:30 p.m.
Council Chambers (Historic Schoolhouse)

ACTION
AGENDA

Call to Order, Roll Call 7:33 p.m.

Commissioners Gilbert, McIntosh, Von Feldt, Chairperson McKitterick, and Vice-Chairperson Zaffaroni **(All present. Also present: Tom Vlasic Town Planner; Ann Wengert Town Council Liaison, CheyAnne Brown Planning Technician)**

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. Preliminary Review, Request for Deviation from Town Resolution 2506-2010, 21 Santa Maria Avenue, Berka/Akers **Commission discussed deviation, received clarification from staff and comment from applicant and project architect. Application to continue for full review.**

Commission, Staff, Committee Reports and Recommendations

Commissioner Gilbert asked other commissioners if they plan to attend Town Council meeting regarding Meadow Preserve item on October 26th.

Approval of Minutes:

Adjournment 8:05 p.m.

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

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Date: October 14, 2011

CheyAnne Brown,
Planning Technician
