



# TOWN OF PORTOLA VALLEY

**7:00 PM – Regular Meeting of the Town Council**  
**Wednesday, August 26, 2015**  
**Historic Schoolhouse**  
**765 Portola Road, Portola Valley, CA 94028**

## REGULAR MEETING AGENDA

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

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

### **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** – Regular Town Council Meeting of August 12, 2015 (3)
2. **Approval of Warrant List** – August 26, 2015 (5)
3. **Recommendation by Acting Town Manager** – Property Acquisition Report (15)
4. **Recommendation by Public Works Director** – Adoption a Resolution Authorizing the Execution of a Public Works Mutual Aid Agreement with the County of San Mateo and other neighboring cities within the County for Emergency and Disaster Events (21)
  - (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Authorizing the Execution of a Public Works Mutual Aid Agreement (Resolution No. \_\_)
5. **Recommendation by Administrative Services Manager** – Adoption of a Resolution Authorizing Execution of an Agreement with City of Redwood City for Information Technology Services for Town Hall (43)
  - (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Approving and Authorizing Execution of an Agreement Between the Town of Portola Valley and the City of Redwood City (Resolution No. \_\_)

### **REGULAR AGENDA**

6. **PRESENTATIONS** – None (53)

### **COMMITTEE REPORTS & REQUESTS** – None to Report

7. **Report from the Cultural Arts Committee** – Committee Survey Results (54)
8. **Update on Drought Emergency** - *There are no written materials for this agenda item* (63)

### **STAFF REPORTS AND RECOMMENDATIONS**

### **PUBLIC HEARING**

9. **Recommendation by Acting Town Manager** – First Reading of an Ordinance Approving Amendments to the Second Unit Ordinance (64)
  - (a) First Reading of Title, Waive Further Reading, and Introduce an Ordinance Amending Title 18 [Zoning] of the Portola Valley Municipal Code Relative to Second Units (Ordinance No. \_\_)
10. **Recommendation by Acting Town Manager** – First Reading of an Ordinance to Establish Expedited Permitting Procedures for Small Residential Rooftop Solar Systems (83)
  - (a) First Reading of Title, Waive Further Reading, and Introduce an Ordinance of the Town of Council of the Town of Portola Valley Adding Chapter 15.21 to the Portola Valley Municipal Code to Establish Expedited Permitting Procedures for Small Residential Rooftop Solar Systems (Ordinance No. \_\_)

**11. Recommendation by Town Clerk – November 2015 Election (108)**

- (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Approving Cancelling the November 2015 General Election and Appointing the Two Nominees to Fill the Two Vacancies on the Town Council (Resolution No. \_\_ )

**12. COUNCIL LIAISON COMMITTEE AND REGIONAL AGENCIES REPORTS** - Town Council members provide a (112) brief announcement or report on items of significance for the entire Town Council arising out of their liaison appointments to both in-town and regional committees and initiatives. *There are no written materials and the Town Council does not take action under this agenda item.*

**WRITTEN COMMUNICATIONS**

**13. Town Council Digest – August 14, 2015 (113)**

**14. Town Council Digest – August 21, 2015 (124)**

**ADJOURN TO CLOSED SESSION**

**15. PUBLIC EMPLOYMENT**

Government Code § 54957  
Town Manager

**REPORT OUT OF CLOSED SESSION**

**ADJOURNMENT**

**ASSISTANCE FOR PEOPLE WITH DISABILITIES**

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

**AVAILABILITY OF INFORMATION**

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

**SUBMITTAL OF AGENDA ITEMS**

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

**PUBLIC HEARINGS**

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

**PORTOLA VALLEY TOWN COUNCIL SPECIAL MEETING NO. 915, August 12, 2015**

**CALL TO ORDER AND ROLL CALL**

Mayor Aalfs called the Town Council meeting to order at 7:00 p.m. and led the Pledge of Allegiance. Ms. Pedro called the roll.

Present: Councilmembers John Richards, Ann Wengert, Vice Mayor Maryann Derwin; and Mayor Jeff Aalfs

Absent: Councilmember Craig Hughes

Others: Nick Pegueros, Town Manager  
Leigh Prince, Town Attorney  
Sharon Hanlon, Town Clerk  
Debbie Pedro, Town Planner

**ORAL COMMUNICATIONS** – None

**CONSENT AGENDA**

- (1) Approval of Minutes: Town Council Regular Meeting of July 22, 2015
- (2) Approval of Warrant List: August 12, 2015, in the amount of \$289,680.07.
- (3) Recommendation by Administrative Services Manager – Fiscal Year Ending 06/30/14 Interfund Transfers and Budget Amendments.
- (4) Recommendation by Acting Town Manager: Response to Grand Jury Report dated June 4, 2015 “Flooding Ahead: Planning for Sea Level Rise.”
- (5) Recommendation by Acting Town Manager – Amendment to Farmers’ Market License Agreement between the Town of Portola Valley and Maggie Foard and Amendment to Limited Use Parking Agreement between the Town of Portola Valley and Christ Episcopal Church to extend the term
  - (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Approving and Authorizing Execution of an Amendment to Farmers’ Market License Agreement (Resolution No. 2670-2015)
  - (b) Adoption of a Resolution of the Town Council of the Town of Portola Valley Approving and Authorizing Execution of a Second Amendment to Limited Use Parking Agreement (Resolution No. 2671-2015)

Councilmember Richards moved to approve Items 1, 2, 3, 4, and 5. Seconded by Councilmember Wengert, motion carried 4-0-1.

**REGULAR AGENDA**

- (6) Presentations – None

**COMMITTEE REPORTS & REQUESTS** - None

**STAFF REPORTS AND RECOMMENDATIONS** - None

(7) Council Liaison Committee and Regional Agencies Reports

Councilmember Richards – None to Report

Councilmember Wengert – None to Report

Vice Mayor Derwin – Attended the Council of Cities meeting on July 24, 2015. The Planning Commission meeting on August 5<sup>th</sup> held a preliminary review of the proposed amendment to the CUP for the new 'STREAM' classroom building at Woodside Priory School. Other items included a public hearing on the proposed amendments to the Second Unit Ordinance and a public hearing on the review of the proposed ordinance establishing streamlined permitting procedures for small residential rooftop solar systems.

Vice Mayor Derwin attended the Ad-Hoc C/CAG Water Committee meeting to complete the final draft response to the Grand Jury Report on Sea Level Rise.

Vice Mayor Derwin, Mayor Aalfs, and Planning Director Pedro attended a CalWater meeting held in Menlo Park on August 7<sup>th</sup>.

Mayor Aalfs – Spoke at the Portola Valley / Woodside Rotary Club meeting held on August 12<sup>th</sup>.

**WRITTEN COMMUNICATIONS**

8. **Town Council Digest** – July 24, 2015  
#11 – Council requested further information and to agendaize this item at a near future meeting.
9. **Town Council Digest** – July 31, 2015
10. **Town Council Digest** – August 7, 2015

**ADJOURN TO CLOSED SESSION: 7:18 PM**

Mayor Aalfs adjourned the meeting to the closed session.

**REPORT OUT OF CLOSED SESSION** – After significant deliberation, on Wednesday August 12, 2015, at the request of Nick Pegueros, the Portola Valley Town Council requested the involuntary resignation of the Town Manager and the Manager resigned, effective immediately.

**ADJOURNMENT: 8:20 PM**

Mayor Aalfs adjourned the meeting.

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Mayor

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Town Clerk

**INVOICE APPROVAL LIST REPORT - DETAIL WITH GL DIST**

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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

AT&T	7/6/15 to 8/5/15 Statements	16723	08/26/2015	
			08/26/2015	
P.O. BOX 9011	441		08/26/2015	0.00
CAROL STREAM	BOA	49914	08/26/2015	0.00
IL 60197-9011				261.30

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4318	Telephones	261.30	0.00

Check No.	49914	Total:	261.30
Total for	AT&T		261.30

PATT BAENEN-TAPSCOTT	BIKE TO WORK DAY EVENT-FOOD	16688	08/26/2015	
			08/26/2015	
1148 LOS TRANCOS ROAD	1211		08/26/2015	0.00
PORTOLA VALLEY	BOA	49915	08/26/2015	0.00
CA 94028				220.11

GL Number	Description	Invoice Amount	Amount Relieved
05-52-4143	BicyclePedTraffic Committee	220.11	0.00

Check No.	49915	Total:	220.11
Total for	PATT BAENEN-TAPSCOTT		220.11

CALIFORNIA WATER SERVICE CO	7/14 to 8/12 Statements	16722	08/26/2015	
			08/26/2015	
3525 ALAMEDA DE LAS PULGAS	0011		08/26/2015	0.00
MENLO PARK	BOA	49916	08/26/2015	0.00
CA 94025844				9,603.90

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4330	Utilities	9,603.90	0.00

Check No.	49916	Total:	9,603.90
Total for	CALIFORNIA WATER SERVICE CC		9,603.90

CITY OF FOSTER CITY	JOB POSTING-ASSOC PLANNER	16696	08/26/2015	
			08/26/2015	
610 FOSTER CITY BLVD.	0039		08/26/2015	0.00
FOSTER CITY	BOA	49917	08/26/2015	0.00
CA 94404	9417			250.00

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4320	Advertising	250.00	0.00

Check No.	49917	Total:	250.00
Total for	CITY OF FOSTER CITY		250.00

CITY OF HALF MOON BAY	Dinner Mtg, Wengert	16712	08/26/2015	
ATTN. SIOBHAN SMITH			08/26/2015	
501 MAIN STREET	0257		08/26/2015	0.00
HALF MOON BAY	BOA	49918	08/26/2015	0.00
CA 94019				40.00

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

05-64-4327	Educ/Train: Council & Commissn	40.00	0.00	
		Check No. 49918	Total:	40.00
		Total for	CITY OF HALF MOON BAY	40.00

CITY OF REDWOOD CITY (IT)	July 2015 IT Support	16697	08/26/2015	
			08/26/2015	
P.O. BOX 3629	586		08/26/2015	0.00
REDWOOD CITY	BOA	49919	08/26/2015	0.00
CA 94064	BR37071			2,111.08

GL Number	Description	Invoice Amount	Amount Relieved	
05-54-4216	IT & Website Consultants	2,111.08	0.00	
		Check No. 49919	Total:	2,111.08
		Total for	CITY OF REDWOOD CITY (IT)	2,111.08

CLEANSTREET	July Statement	16711	08/26/2015	
			08/26/2015	
1937 W. 169TH STREET	0034		08/26/2015	0.00
GARDENA	BOA	49920	08/26/2015	0.00
CA 90247-5254	79184			1,603.62

GL Number	Description	Invoice Amount	Amount Relieved	
05-66-4342	Landscape Supplies & Services	74.00	0.00	
20-60-4262	Street Sweeping	659.52	0.00	
22-60-4266	Litter Clean Up Program	870.10	0.00	
		Check No. 49920	Total:	1,603.62
		Total for	CLEANSTREET	1,603.62

COLEHOUR + COHEN INC	Add'l Drought Comm Consult	16714	08/26/2015	
		00006329	08/26/2015	
615 2ND AVENUE, SUITE 280	1605		08/26/2015	0.00
SEATTLE	BOA	49921	08/26/2015	0.00
WA 98104	4802			1,316.25

GL Number	Description	Invoice Amount	Amount Relieved	
05-54-4214	Miscellaneous Consultants	1,316.25	1,316.25	
		Check No. 49921	Total:	1,316.25
		Total for	COLEHOUR + COHEN INC	1,316.25

CSG CONSULTANTS INC	July Statement	16710	08/26/2015	
			08/26/2015	
550 PILGRIM DRIVE	622		08/26/2015	0.00
FOSTER CITY	BOA	49922	08/26/2015	0.00
CA 94404	030594			16,435.00

GL Number	Description	Invoice Amount	Amount Relieved	
05-50-4062	Temp Bldg Inspection	16,435.00	0.00	
		Check No. 49922	Total:	16,435.00
		Total for	CSG CONSULTANTS INC	16,435.00

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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

SARAH DORAHY	Refund c&d deposit	16715	08/26/2015	
			08/26/2015	
468 WESTRIDGE DRIVE	1377		08/26/2015	0.00
PORTOLA VALLEY	BOA	49923	08/26/2015	0.00
CA 94028				1,000.00

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

Check No.	49923	Total:	1,000.00
Total for	SARAH DORAHY		1,000.00

HEART OF SAN MATEO COUNTY	MEMBER DUES 7-1-15 TO 6-30-16	16687	08/26/2015	
			08/26/2015	
139 MITCHELL AVENUE	0201		08/26/2015	0.00
SO. SAN FRANCISCO	BOA	49924	08/26/2015	0.00
CA 94080				1,432.00

GL Number	Description	Invoice Amount	Amount Relieved
05-56-4223	HEART JPA	1,432.00	0.00

Check No.	49924	Total:	1,432.00
Total for	HEART OF SAN MATEO COUNTY		1,432.00

ANGELA HEY	BPTS-DISPLAY 2015 TOWN PICNIC	16690	08/26/2015	
			08/26/2015	
4570 ALPINE ROAD	0463		08/26/2015	0.00
PORTOLA VALLEY	BOA	49925	08/26/2015	0.00
CA 94028				90.78

GL Number	Description	Invoice Amount	Amount Relieved
05-52-4143	BicyclePedTraffic Committee	90.78	0.00

Check No.	49925	Total:	90.78
Total for	ANGELA HEY		90.78

HINDERLITER, DE LLAMAS & ASSOC	SalesTax Audit/ContSvcs3rd Qtr	16702	08/26/2015	
			08/26/2015	
1340 VALLEY VISTA DRIVE	1128		08/26/2015	0.00
DIAMOND BAR	BOA	49926	08/26/2015	0.00
CA 91765	0024168-IN			992.79

GL Number	Description	Invoice Amount	Amount Relieved
05-54-4214	Miscellaneous Consultants	992.79	0.00

Check No.	49926	Total:	992.79
Total for	HINDERLITER, DE LLAMAS & ASS		992.79

INT'L CODE COUNCIL, INC	Dues, Building Dept, Kidwell	16721	08/26/2015	
			08/26/2015	
ATTN: MEMBERSHIP	790		08/26/2015	0.00
BIRMINGHAM	BOA	49927	08/26/2015	0.00
AL 35213				135.00

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

05-64-4322	Dues		135.00	0.00
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Check No.	49927	Total:	135.00
Total for	INT'L CODE COUNCIL, INC		135.00

J.W. ENTERPRISES	Portable Lavs (8/6 - 9/2)	16683	08/26/2015	
1689 MORSE AVE	829		08/26/2015	0.00
VENTURA	BOA	49928	08/26/2015	0.00
CA 93003	185518			242.44

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4244	Portable Lavatories	242.44	0.00

Check No.	49928	Total:	242.44
Total for	J.W. ENTERPRISES		242.44

JORGENSON SIEGEL MCCLURE & FLEGEL	July 2015 Legal	16694	08/26/2015	
1100 ALMA STREET	0089		08/26/2015	0.00
MENLO PARK	BOA	49929	08/26/2015	0.00
CA 94025				23,702.50

GL Number	Description	Invoice Amount	Amount Relieved
05-54-4182	Town Attorney	23,702.50	0.00

Check No.	49929	Total:	23,702.50
Total for	JORGENSON SIEGEL MCCLURE &		23,702.50

STANLEY JUNGLEIB	Refund Wedding Deposit	16718	08/26/2015	
33 TINTERN LANE	1374		08/26/2015	0.00
PORTOLA VALLEY	BOA	49930	08/26/2015	0.00
CA 94028				1,000.00

GL Number	Description	Invoice Amount	Amount Relieved
05-00-2561	Community Hall Deposits	1,000.00	0.00

Check No.	49930	Total:	1,000.00
Total for	STANLEY JUNGLEIB		1,000.00

LUCILLE KALMAN	Instr Pymt-Late, Summer 2015	16707	08/26/2015	
245 OLD SPANISH TRAIL	1082		08/26/2015	0.00
PORTOLA VALLEY	BOA	49931	08/26/2015	0.00
CA 94028				120.00

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

Check No.	49931	Total:	120.00
Total for	LUCILLE KALMAN		120.00



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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

RALPH LEWIS	Deposit Refund	16724	08/26/2015	
			08/26/2015	
96 HILLBROOK DRIVE	0442		08/26/2015	0.00
LOS ALTOS HILL	BOA	49932	08/26/2015	0.00
CA 94028				1,112.76

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4207	Deposit Refunds, Other Charges	1,112.76	0.00

Check No.	49932	Total:	1,112.76
Total for	RALPH LEWIS		1,112.76

LYNGSO GARDEN MATERIALS INC	FIELDS, COMPOST & SAND	16685	08/26/2015	
			08/26/2015	
19 SEAPORT BOULEVARD	923		08/26/2015	0.00
REDWOOD CITY	BOA	49933	08/26/2015	0.00
CA 94063	938241			469.82

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4240	Parks & Fields Maintenance	469.82	0.00

Check No.	49933	Total:	469.82
Total for	LYNGSO GARDEN MATERIALS INC		469.82

PEELLE TECHNOLOGIES, INC	Digital Scan Software & Maint	16709	08/26/2015	
			08/26/2015	
197 EAST HAMILTON AVE	961		08/26/2015	0.00
CAMPBELL	BOA	49934	08/26/2015	0.00
CA 95008	TOPV2273, 2274			12,088.68

GL Number	Description	Invoice Amount	Amount Relieved
05-54-4208	GIS Mapping	12,088.68	0.00

Check No.	49934	Total:	12,088.68
Total for	PEELLE TECHNOLOGIES, INC		12,088.68

PERS HEALTH	September Healthcare	16705	08/26/2015	
			08/26/2015	
VIA EFT	0108		08/26/2015	0.00
	BOA	49935	08/26/2015	0.00
	1822			10,491.31

GL Number	Description	Invoice Amount	Amount Relieved
05-50-4086	Health Insurance Medical	10,491.31	0.00

Check No.	49935	Total:	10,491.31
Total for	PERS HEALTH		10,491.31

PORTOLA VALLEY BUILDERS	Dep, 30 Stonegate/357 Westgate	16693	08/26/2015	
			08/26/2015	
635 PRICE DRIVE	1373		08/26/2015	0.00
MORGAN HILL	BOA	49936	08/26/2015	0.00
CA 95037				925.00

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4207	Deposit Refunds, Other Charges	925.00	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.	49936	Total:	925.00
Total for	PORTOLA VALLEY BUILDERS		925.00

PRINTING SYSTEMS INC.	CHECKS	16686	08/26/2015	
			08/26/2015	
12005 BEECH DALY	0216		08/26/2015	0.00
TAYLOR	BOA	49937	08/26/2015	0.00
MI 48180	91074			282.54

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4308	Office Supplies	282.54	0.00

Check No.	49937	Total:	282.54
Total for	PRINTING SYSTEMS INC.		282.54

REGIONAL GOVERNMENT SERVICES	July Contract Support	16713	08/26/2015	
			08/26/2015	
P.O. BOX 1350	1165		08/26/2015	0.00
CARMEL VALLEY	BOA	49938	08/26/2015	0.00
CA 93924	5229			2,355.20

GL Number	Description	Invoice Amount	Amount Relieved
05-50-4060	Temp NonPay Cler/Admin	2,355.20	0.00

Check No.	49938	Total:	2,355.20
Total for	REGIONAL GOVERNMENT SERVIC		2,355.20

RON RAMIES AUTOMOTIVE, INC.	Fuel Statement, July	16698	08/26/2015	
			08/26/2015	
115 PORTOLA ROAD	422		08/26/2015	0.00
PORTOLA VALLEY	BOA	49939	08/26/2015	0.00
CA 94028				245.64

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4334	Vehicle Maintenance	245.64	0.00

Check No.	49939	Total:	245.64
Total for	RON RAMIES AUTOMOTIVE, INC.		245.64

ALISON ROSENTHAL	Refund c&d deposit	16716	08/26/2015	
			08/26/2015	
130 GOLDEN OAK DRIVE	1376		08/26/2015	0.00
PORTOLA VALLEY	BOA	49940	08/26/2015	0.00
CA 94028				5,000.00

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4205	C&D Deposit	5,000.00	0.00

Check No.	49940	Total:	5,000.00
Total for	ALISON ROSENTHAL		5,000.00

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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

SAN MATEO CO INF SERVICES	July Microwave	16704	08/26/2015	
			08/26/2015	
455 COUNTY CENTER, 3RD FLOOR	0307		08/26/2015	0.00
REDWOOD CITY	BOA	49941	08/26/2015	0.00
CA 94063	1YPV11507			76.00

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

Check No.	49941	Total:	76.00
Total for	SAN MATEO CO INF SERVICES		76.00

SHARP BUSINESS SYSTEMS	July Copies	16682	08/26/2015	
			08/26/2015	
DEPT. LA 21510	0199		08/26/2015	0.00
PASADENA	BOA	49942	08/26/2015	0.00
CA 91185-1510	C873264-541			281.00

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4308	Office Supplies	281.00	0.00

Check No.	49942	Total:	281.00
Total for	SHARP BUSINESS SYSTEMS		281.00

SHELTON ROOFING	c&d refund, Cresta Vista	16692	08/26/2015	
			08/26/2015	
1988 LEGHORN ST., #C	0309		08/26/2015	0.00
MOUNTAIN VIEW	BOA	49943	08/26/2015	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.	49943	Total:	1,000.00
Total for	SHELTON ROOFING		1,000.00

SMALL BUSINESS BENEFIT PLAN TR	September Dental and Vision	16699	08/26/2015	
			08/26/2015	
	0132		08/26/2015	0.00
BELMONT	BOA	49944	08/26/2015	0.00
CA 94002-0156				1,171.10

GL Number	Description	Invoice Amount	Amount Relieved
05-50-4090	Health Ins Dental & Vision	1,171.10	0.00

Check No.	49944	Total:	1,171.10
Total for	SMALL BUSINESS BENEFIT PLAN		1,171.10

CONNIE STACK	Instructor Pymt, Summer 2015	16706	08/26/2015	
			08/26/2015	
10127 LAMPLIGHTER SQUARE	648		08/26/2015	0.00
CUPERTINO	BOA	49945	08/26/2015	0.00
CA 95014				1,276.80

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4246	Instructors & Class Refunds	1,276.80	0.00

**INVOICE APPROVAL LIST REPORT - DETAIL WITH GL DIST**

08-26-15

Date: 08/21/2015

Time: 10:16 am

Page: 8

TOWN OF PORTOLA VALLEY

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

Check No.	49945	Total:	1,276.80
Total for	CONNIE STACK		1,276.80

TKO GENERAL ENGINEERING	Alpine Project #2015-PW02	16719	08/26/2015	
	Progress Payment		08/26/2015	
PO BOX 620698	1388		08/26/2015	0.00
WOODSIDE	BOA	49946	08/26/2015	0.00
CA 94062				24,016.00

GL Number	Description	Invoice Amount	Amount Relieved
05-68-4537	SMTA Road Project	7,406.53	0.00
08-68-4537	SMTA Road Project	16,609.47	0.00

Check No.	49946	Total:	24,016.00
Total for	TKO GENERAL ENGINEERING		24,016.00

TOTLCOM, INC.	SERV CONTRACT 10/15 TO 9/16	16700	08/26/2015	
			08/26/2015	
65 HANGAR WAY	349		08/26/2015	0.00
WATSONVILLE	BOA	49947	08/26/2015	0.00
CA 95076	235937			803.00

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4314	Equipment Services Contracts	803.00	0.00

Check No.	49947	Total:	803.00
Total for	TOTLCOM, INC.		803.00

KATHY WADDELL	Instructor Pymt, Summer 2015	16708	08/26/2015	
			08/26/2015	
460 CERVANTES ROAD	1354		08/26/2015	0.00
PORTOLA VALLEY	BOA	49948	08/26/2015	0.00
CA 94028				1,812.00

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4246	Instructors & Class Refunds	1,812.00	0.00

Check No.	49948	Total:	1,812.00
Total for	KATHY WADDELL		1,812.00

WL BUTLER CONSTRUCTION INC	Refund c&d deposit	16717	08/26/2015	
			08/26/2015	
204 FRANKLIN STREET	1375		08/26/2015	0.00
REDWOOD CITY	BOA	49949	08/26/2015	0.00
CA 94063				10,000.00

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4205	C&D Deposit	10,000.00	0.00

Check No.	49949	Total:	10,000.00
Total for	WL BUTLER CONSTRUCTION INC		10,000.00

INVOICE APPROVAL LIST REPORT - DETAIL WITH GL DIST

08-26-15

Date: 08/21/2015

Time: 10:16 am

Page: 9

TOWN OF PORTOLA VALLEY

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

Total Invoices: 36

Grand Total:	133,963.62
Less Credit Memos:	0.00
Net Total:	133,963.62
Less Hand Check Total:	0.00
Outstanding Invoice Total:	133,963.62

**TOWN OF PORTOLA VALLEY**  
**Warrant Disbursement Journal**  
**August 26, 2015**

Claims totaling \$133,963.62 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 \_\_\_\_\_

\_\_\_\_\_  
Debbie Pedro, 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:** Debbie Pedro, Acting Town Manager

**DATE:** August 26, 2015

**RE:** Annual Discussion Regarding Real Property Acquisition

### BACKGROUND

On June 18, 2014, the Council adopted an amended Capital Asset Policy that calls for annual discussions of potential acquisition of real property for a compelling public purpose, including, but not limited to, open space, public facilities, and affordable housing. The purpose of the policy is to create an open and transparent process for capital asset acquisition and to provide opportunities for public input before the Council commits Town funds for the purchase, sale, exchange or lease of real property.

In addition, the policy calls for the identification of two individuals, along with the Town Attorney, to conduct due diligence regarding potential sites suitable for acquisition. Councilmember Craig Hughes, Planning Commissioner Nicholas Targ, and the Town Attorney have been designated as negotiators and will work with the Open Space Acquisition Advisory Committee to identify suitable sites for open space preservation when the opportunity arises. Since the policy adoption, the group has not convened and there is no set schedule of upcoming meetings.

### DISCUSSION

As of July 31, 2015, the fund balances dedicated for open space and affordable housing are as follow:

#### Open Space

The open space acquisition fund receives approximately \$250,000 per year from the restricted Utility Users Tax revenue. The current fund balance is \$4,589,835.95.

#### Affordable Housing

The affordable housing fund's revenue source is the inclusionary housing in-lieu fee collected pursuant to the Town's subdivision ordinance. The current fund balance is \$2,888,799.30 and there is no revenue projected in the next twelve months.

## **CONCLUSION**

As noted in the report, the Open Space Acquisition Advisory Committee and the designated negotiators have not convened and no suitable sites have been identified for potential acquisition.

## **ATTACHMENT**

1. Capital Assets Policy





# Town of Portola Valley

## Capital Assets Policy

Adopted: June 9, 2004  
Revised: June 18, 2014

### Overview

The Town will maintain a capital asset management system that will meet external financial reporting requirements and the needs of the Town in line with these policies.

Capital assets are recorded as expenditures in governmental funds at the time the assets are received and the liability is incurred. These assets will be capitalized at cost on the government wide financial statements.

The Town's Capital Assets Policy follows the recommended practices of the GFOA (Government Finance Officers Association) and the accounting standards of the Government Accounting Standards Board (GASB). In accordance with GASB Statement Number 34:

*Capital Assets* are defined as land, improvements to land, easements, buildings, building improvements, vehicles, machinery, equipment, works of art and historical treasures, infrastructure, and all other tangible or intangible assets that are used in operations and that have initial useful lives extending beyond a single reporting period.

*Infrastructure Assets* are defined as long-lived capital assets that normally are stationary in nature and normally can be preserved for a significantly greater number of years than most capital assets. Examples include roads, bridges, tunnels, drainage systems, water and sewer systems, dams and lighting systems. Buildings that are an ancillary part of a network of infrastructure assets are included.

### Capitalization

Generally, the capitalization threshold for capital assets will be an original cost of \$5,000 or more (recorded as an asset on the balance sheet versus expensing the item). Specific capitalization requirements are described as follows:

- a. All land will be capitalized regardless of cost.
- b. Buildings, land improvements and infrastructure will be recorded if cost exceeds \$25,000.
- c. All infrastructure will be recorded
- d. All other assets must cost \$5,000 or more and have a useful life of two (2) or more years.
- e. The capitalization threshold is applied to individual units of capital assets rather than groups. For example, ten desks purchased for \$1,000 each will not be capitalized even though the total (\$10,000) exceeds the threshold of \$5,000.
- f. For purposes of capitalization, the threshold will generally not be applied to components of capital assets. For example a keyboard, monitor and central processing unit purchased as components of a computer system will not be evaluated individually against the capitalization threshold. The entire computer system will be treated as a single asset. The capitalization threshold will be applied to a network if all component parts are required to make the asset functional.

- g. Repairs to existing capital assets will generally not be subject to capitalization unless the repair extends the useful life of the asset. In this case the repair represents an improvement and is subject to the requirements described in item “h” below.
- h. Improvements to existing capital assets will be presumed by definition to extend the useful life of the related capital asset and therefore will be subject to capitalization if the cost exceeds \$5,000.

As a result of the above capitalization policies, the following *infrastructure* items will not be capitalized: street trees, street signs. Additionally, the following *capital equipment* will also not be capitalized: personal computers, handheld radios, telephones.

## **Capital Asset Acquisition**

### **1. Purchase, Sale, Exchange or Lease of Real Property**

At a regular public meeting in July of each year, the Town Council will determine if there is a compelling public purpose, including, but not limited to, open space, public facilities, and affordable housing, to acquire real property. If the Town Council identifies a compelling purpose, up to three negotiators, one of whom must be the Town Attorney, will be identified to conduct due diligence regarding potential site(s). If a site(s) is identified through this diligence process or an opportunity otherwise arises, the Town Council, prior to entering a duly noticed closed session, will provide an opportunity for interested members of the public to comment regarding the potential purchase, sale exchange or lease of the identified site(s). Negotiation of price and terms will be conducted in closed session. Approval of an agreement concluding real estate negotiations shall be reported publicly; such report shall include the approval action, the voting tally and the substance of the agreement.

### **2. Improvements to Land, Easements, and Buildings**

The Town will notify property owners within 300-feet (and more broadly for projects anticipated to exceed \$1,000,000) of any Town-initiated proposal regarding improvements to land, easements or buildings.

### **3. Gift or Donation of Capital Assets**

Prior to Town Council consideration of a gift or donation of capital assets, the Town Manager will work with the donor(s) to structure the gift/donation in a manner that minimizes upfront and ongoing town expenses and liabilities.

## **Leased Assets**

Operating leased assets are usually short term and cancelable at anytime. The recording of an operating lease as a fixed asset is not required because the item is not purchased.

However, operating leases will be capitalized if one or more of the following criteria are met and the chance of cancellation is low:

- a. Ownership is transferred by the end of the lease term
- b. The lease contains a bargain purchase option
- c. The lease term is greater than or equal to 75 percent of the asset's service life
- d. The present value of the minimum lease payment is greater than or equal to ninety percent (90%) of the fair market value of the asset at the inception of the lease.

Capital lease items are capitalized at the beginning of the lease period, regardless of when the title transfers. Capital leases are recorded at net present value of lease payments.

### **Capital Asset Recording**

The Town will keep appropriate records in order to monitor and accurately inventory all fixed assets.

### **Measuring the Cost and/or Value**

Capital assets are recorded at their "historical cost," which is the original cost of the assets. Donations accepted by the Town will be valued at the fair market value at the time of donation. Costs include purchase price (less discounts) and any other reasonable and necessary costs incurred to place the asset in its intended location and prepare it for service. Costs could include the following:

Sales Tax	Demolition costs
Freight charges	Relocation costs
Legal and title fees	Architect and accounting fees
Closing costs	Insurance premiums and interest costs during construction
Appraisal and negotiation fees	In-house staff time and consultant fees
Surveying fees	
Land-preparation costs	

For the conversion of capital asset reporting effective the fiscal year ended June 30, 2004 and according to GASB 34, an estimate of the original cost is allowable in the absence of historical records. Standard costing is one method of estimating historical cost using a known average installed cost for a like unit at the estimated date of acquisition. Another recognized method is normal costing wherein an estimate of historical cost is based on current cost of reproduction new, indexed by a reciprocal factor of the price increase of a specific item or classification from the appraisal date to the estimated date acquired. When necessary the Town will use whichever method gives the most reasonable amount based on available information.

### **Recording Costs Incurred After Acquisition**

Expenditures/expenses for replacing a component part of an asset are not capitalized. However, expenditures/expenses that either enhance a capital asset's functionality (effectiveness or efficiency), or that extend a capital asset's expected useful life are capitalized. For example, periodically slurry sealing a street would be treated as a repair (the cost would not be capitalized), while an overlay or reconstruction would be capitalized. Adding a new lane constitutes an addition and would therefore also be capitalized.

### **Disposition or Retirement of Capital Assets**

It is the Town's policy that disposition of surplus, damaged or inoperative equipment will be at the discretion of the Town Manager, who will make all efforts to sell at a fair market price, donate or recycle such items.

## **Depreciation**

The Town will record depreciation expense on all capital assets, except for land. The Town will use straight-line depreciation using the half-year convention. Depreciation will be calculated for half a year on the year of acquisition and the year of disposition. Depreciation will be calculated over the estimated useful life of the asset.

## **Useful Lives of Capital Assets**

The Town follows GFOA Recommended Practices when establishing recommended lives for capitalizable assets. If the life of a particular asset is estimated to be different than these guidelines, it may be changed. Following is a summary of the estimated useful lives:

<u>Asset Class</u>	<u>Useful Life</u>
Buildings	50 years
Building Improvements	20 years
Improvements other than Buildings	35 years
Infrastructure	50 years
Equipment and Machinery	5 to 20 years

## **Control of Assets**

The Town will exercise control over the noncapitalized tangible capital-type items by establishing and maintaining adequate control procedures. The Town's capitalization threshold of \$5,000 meets financial reporting needs.

## **Works of Art and Historical Treasures**

GASB 34 encourages but does not require the capitalization of art that meets all of the following conditions:

- Held for public exhibition, education, or research in furtherance of public service, rather than financial gain
- Protected, kept unencumbered, cared for, and preserved
- Subject to an organizational policy that requires the proceeds from sales of collection items to be used to acquire other items for collections

It is the Town's policy that proceeds from the sale of art be used to acquire other works of art. That being the case, the Town's works of art and historical treasures will not be capitalized.

## **Inventorying**

The Town will perform a physical inventory of its capitalized assets, either simultaneously or on a rotating basis, so that all capital assets are physically accounted for at least once every five years.

## **Tagging**

The Town will tag only moveable equipment with a value of \$5,000 or higher. Rolling stock items will not be tagged and will be identified by the VIN number.



# MEMORANDUM

## TOWN OF PORTOLA VALLEY

---

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

**FROM:** Howard Young, Public Works Director

**DATE:** August 26, 2015

**RE:** Public Works Mutual Aid Agreement for emergency and disaster events

### RECOMMENDATION

Staff recommends that the Town Council adopt the attached resolution authorizing the adoption of the County of San Mateo Public Works Mutual Aid Agreement (“Mutual Aid Agreement”) with San Mateo County and neighboring cities within the County.

### BACKGROUND

The heavy winter storms of late 2012/early 2013 affected several communities with San Mateo County. One of the most significant impacts was severe flooding in the City of East Palo Alto. During the storm event response, San Mateo County Office of Emergency Services (OES, acting in its capacity as the Operational Area) encountered significant difficulties in obtaining needed public works mutual aid assistance.

The deficiency in public works mutual aid noted by OES in 2012/2013 has been noted in the past as well. Although there is an existing mutual aid agreement dated June 14, 1994, that agreement has not been used or followed in the last fifteen years. The Mutual Aid Agreement currently recommended for approval is similar to, but expands upon the 1994 agreement.

### DISCUSSION

The purpose of the Mutual Aid Agreement is to provide an organized means of providing voluntary mutual aid to neighboring entities in the event of a disaster. In many ways, this provision of aid is similar to what already exists amongst the police and fire services (with an exception being that public works mutual aid is not proposed as automatic). The language of the Mutual Aid Agreement and its accompanying Procedures Guide specifically envision establishing a “zone” concept of aid that mirrors existing and developing zones in police and fire mutual aid. Due to the Town of Portola Valley’s remote location and size, staff believes there are benefits to entering into the Mutual Aid Agreement. The Town Attorney has reviewed the agreement.

There is no requirement for a majority or all of the municipal entities of San Mateo County to enter into this Mutual Aid Agreement. Considering that no Public Works Directors have indicated any resistance to recommending approval, there is a high likelihood that the majority of the entities will approve the Mutual Aid Agreement. To date, approximately nine cities have approved the Mutual Aid Agreement and many more are considering the agreement on their July and August agendas.

### **FISCAL IMPACT**

There is no fiscal impact by becoming party to their agreement. The Mutual Aid Agreement requires that the “Requesting Party” reimburse the “Assisting Party” for all of its costs of providing assistance within 60 days. The advantage provided to the “Requesting Party” by the agreement is that pre-existing arrangements for the provision of services are often necessary to promptly obtain reimbursement from state (i.e., California Disaster Assistance Act) or federal (i.e., Federal Emergency Management Agency) funds.

### **CONCLUSION**

Approving the Mutual Aid Agreement will provide an organized means of providing and receiving voluntary mutual aid to neighboring entities in the event of an emergency.

### **ATTACHMENTS**

Resolution

Exhibit A - May 29, 2015 County of San Mateo - Public Works Mutual Aid Agreement

Exhibit B- Procedures Guide - Public Works Mutual Aid Agreement

Exhibit C- June 14, 1994 Public Works Mutual Aid Agreement

**APPROVED** – Debbie Pedro, Acting Town Manager

**RESOLUTION NO. \_\_\_\_\_ 2015**

**RESOLUTION OF THE TOWN COUNCIL OF THE  
TOWN OF PORTOLA VALLEY AUTHORIZING THE EXECUTION  
OF A PUBLIC WORKS MUTUAL AID AGREEMENT**

**WHEREAS**, the County of San Mateo and the cities in San Mateo County have expressed a mutual interest in the establishment of a plan to encourage public works mutual aid agreements; and

**WHEREAS**, the Town Council has determined that it would be in the Town’s best interest to participate in the Public Works Mutual Aid Agreement; and

**WHEREAS**, Section 8630 et seq. of the State of California Government Code grants local agencies full power to provide mutual aid pursuant to established agreements; and

**WHEREAS**, the Town Council read and considered the Public Works Mutual Aid Agreement with the County of San Mateo and other cities in San Mateo County at a duly noticed public hearing.

**NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Portola Valley as follows:**

1. Any earlier agreement the Town may have entered into relative to public works mutual aid, including but not limited to the agreement with the County of San Mateo dated June 14, 1994 is hereby revoked and rescinded, and any such agreement is null and void.
2. The Town Council approves and the Mayor is hereby authorized to execute the County of San Mateo Public Works Mutual Aid Agreement dated May 29, 2015.

\* \* \* \*

**PASSED AND ADOPTED** at a regular meeting of the Town Council of the Town of Portola Valley held on the 26th day of August, 2015.

\_\_\_\_\_  
Jeff Aalfs, Mayor

ATTEST:

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

## County of San Mateo Public Works Mutual Aid Agreement

This Public Works Mutual Aid Agreement (“Agreement” or “Mutual Aid Agreement”) is made and entered into this 29th day of May, 2015, by and between the parties signatory below (hereinafter individually referred to as “Party” or collectively referred to as the “Parties” to this Agreement).

WHEREAS, it is desirable and necessary for the protection of life, property and the environment that each of the Parties hereto voluntarily aid and assist each other by the interchange of public works services and resources in the event of an emergency; and

WHEREAS, County of San Mateo’s Department of Public Works and all twenty (20) cities within the County of San Mateo (“County”) have expressed an interest in the establishment of a plan to facilitate and encourage Public Works Mutual Aid Agreements throughout the County of San Mateo; and

WHEREAS, the Parties have determined that it would be in their best interests to enter into a Mutual Aid Agreement that implements a plan and sets forth procedures and responsibilities of the Parties whenever emergency personnel, equipment, and facility assistance is provided from another Party’s public works department to the other; and

WHEREAS, no Party should be in a position of unreasonably depleting its own resources, facilities, or services providing such mutual aid; and

WHEREAS, such an agreement is in accord with the California Emergency Services Act (“Act”) set forth in Title 2, Division 1, Chapter 7 (Section 8550 et seq.) of the Government Code and specifically with Article 14 (Section 8630 et seq.) of the Act; and

WHEREAS, all Parties must use protocols established in the Standardized Emergency Management System and the National Incident Management System to be eligible for possible state or federal reimbursement of response-related personnel and resource costs.

In consideration of the conditions and covenants contained herein, the Parties agree as follows:

1. Definitions. For this Agreement, the following terms shall be ascribed the following meanings:
  - a. “Assisting Coordinator” shall mean the Coordinator of a Party providing public works mutual aid.



- b. “Assisting Party” shall mean the Party to this Agreement providing public works mutual aid to another Party.
  - c. “Coordinator” shall mean the person designated by each Party to act on behalf of that Party on all matters relative to public works mutual aid, to include but not be limited to requests, responses, and reimbursement. This term also includes the following distinct Coordinators:
    - a. Operational Area Coordinator is the individual who arranges and coordinates distribution of public works mutual aid countywide.
    - b. Zone Coordinator is the individual who coordinates distribution of public works mutual aid from resources assigned by the operational area to local jurisdictions within a geographic zone.
    - c. Local Coordinator is the individual who fulfills the functionally equivalent role of a city or town Public Works Branch Director.
  - d. “Local Emergency” shall mean the actual or threatened existence of conditions of disaster or extreme peril to the safety of persons or property within the territorial limits of one of the Parties caused by human or natural conditions such as air pollution, fire, flood, storm, wind, earthquake, explosion, transportation accident, hazardous material problem, tsunami, sudden or severe energy shortage, epidemic, riot or other occurrences, other than conditions resulting from a labor controversy, which occurrences, or the immediate threat thereof, are likely to be beyond the control of the personnel, equipment, or facilities of that Party to this Agreement and which personnel, equipment or facilities of the other Party are therefore desired to combat.
  - e. An “Operational Area” for the coordination of Public Works Mutual Aid will be San Mateo County and all the jurisdictions within the County that are Parties to this Agreement. Consistent with the Standardized Emergency Management System, the Operational Area is an intermediate level of the state emergency services organization, which serves as a link in the systems of communications and coordination between the political subdivisions comprising the Operational Area and the Regional or State Emergency Operations Center (s).
  - f. “Requesting Coordinator” shall mean the Coordinator of a Party requesting public works mutual aid.
  - g. “Requesting Party” shall mean the Party to this Agreement requesting public works mutual aid.
2. Designation of Coordinator. Coordinators shall be designated by each Party; the Title, Name, Address, and Phone Number of the Coordinator shall be provided to the

Operational Area Coordinator designated in Paragraph 20 hereinafter. If said designation changes, the Parties shall notify the Operational Area Coordinator as soon as practical after the appointment has been made.

3. Mutual Aid. When a local emergency has been proclaimed by a Party's governing body or authorized official, the Requesting Coordinator may request assistance from the Parties. In situations where extreme imminent threat to life, property, or the environment exists, the requirement for a proclamation before providing assistance may be waived under the presumption that such a proclamation will be made in accordance with all local and state regulations as promptly as reasonably possible.
4. Availability. The Parties agree that the mutual aid extended under this Agreement and the operational plans implementing this agreement are to be available and furnished in all cases of emergencies regardless of type, provided that such mutual aid does not compromise any Party's ability or capacity to respond to calls for service within its own jurisdiction. When request for assistance is received, the Assisting Coordinator will promptly advise of the extent of response, provide whatever personnel, equipment, and facilities are available without jeopardizing the safety of persons or property within their jurisdiction. No Party receiving a request for assistance shall be under any obligation to provide assistance or incur any liability for not complying with the request.
5. Return of Resources. When the Assisting Party's personnel, equipment, or facilities are no longer required, or when the Assisting Coordinator advises that the resources are required within their own jurisdiction, the Requesting Coordinator shall immediately arrange for the return of those resources.
6. Safekeeping of Resources. The Requesting Party shall be responsible for the safekeeping of the resources provided by the Assisting Party. The Requesting Coordinator shall remain in charge of the incident or occurrence and shall maintain control and direction of the resources provided by the Assisting Party. The request may include the provision of supervisory personnel to take direct charge of the resources under the general direction of the Requesting Coordinator. The Requesting Party shall make arrangements for feeding and/or assisting personnel, and for fueling, servicing, and repair of equipment unless the Assisting Coordinator agrees that these arrangements are not necessary or are to be provided by the Assisting Party.
7. Employment Status. The Assisting Party's personnel shall not be deemed employees of Requesting Party and vice versa.
8. Insurance. Each Party shall be responsible to provide, in its own discretion, at its sole expense, sufficient insurance for its personnel and entity.

9. Worker's Compensation. Each Party shall provide, at its sole expense, the required worker's compensation insurance coverage necessary for its own employees. It is recognized that at such times as one Party provides aid to another Party under the terms of this Agreement, the employees of the Assisting Party may claim to have become special employees on a temporary basis of the Requesting Party. Should any such claim result in any worker's compensation claim being asserted, it is hereby agreed that each such claim shall be the responsibility and liability of the Assisting Party as general employer to process, defend, and pay, if necessary.
10. Mutual Aid Costs. The Requesting Party agrees to pay all reasonable direct, indirect, administrative and contracted costs of the Assisting Party incurred as a result of providing assistance under this Agreement, based upon standard rates applicable to Assisting Party's internal operations. Payment shall be made within sixty (60) days after receipt of a detailed invoice. Payment may be delayed if agreed upon by both Parties. Requesting Party shall not assume any liability for the direct payment of any salary or wages to any officer or employee of the Assisting Party.
11. Defense and Indemnification.

11.1 Claims Arising from Sole Acts or Omissions of a Party. Each Party to this Agreement hereby agrees to defend and indemnify the other Parties to this Agreement, their agents, officers and employees, from any claim, action or proceeding against another Party, arising solely out of its own acts or omissions in the performance of this Agreement. At each Party's sole discretion, each Party may participate at its own expense in the defense of any claim, action or proceeding, but such participation shall not relieve any Party of any obligation imposed by this Agreement. Parties shall notify each other promptly of any claim, action or proceeding and cooperate fully in the defense.

11.2 Claims Arising from Concurrent Acts or Omissions. The Parties hereby agree to defend themselves from any claim, action, or proceeding arising out of the concurrent acts or omissions of the Parties. In such cases, Parties agree to retain their own legal counsel, bear their own defense costs, and waive their right to seek reimbursement of such costs, except as provided in paragraph 11.3 below.

11.3 Joint Defense. Notwithstanding paragraph 11.2 above, in cases where Parties agree in writing to a joint defense, Parties may appoint joint defense counsel to defend the claim, action, or proceeding arising out of the concurrent acts or omissions of Parties. Joint defense counsel shall be selected by mutual agreement of said Parties. Parties agree to share the costs of such joint defense and any agreed settlement in equal amounts, except as provided in paragraph 11.4 below. Parties further agree that no Party may bind the others to a settlement agreement without the written consent of the others.

11.4 Reimbursement and/or Reallocation. Where a trial verdict or arbitration award allocates or determines the comparative fault of the Parties, those Parties may seek reimbursement and/or reallocation of defense costs, settlement payments, judgments and awards, consistent with such comparative fault. The Parties expressly waive pro rata allocation off liability under Government Code Section 895.6.

12. No Waiver. This agreement shall in no way abrogate or waive any of the immunities available under Federal, State, and local law and regulations, including but not limited to the California Emergency Services Act, Government Code sections 8655 et seq.
13. Records. When mutual aid is provided, the Requesting and Assisting Parties will keep account records of the personnel, equipment, mileage, and materials provided as required by Federal and State law, the California Disaster Assistance Act, and FEMA guidelines to maximize the possibility of Federal and State disaster reimbursement. Each Party shall have access to another Party's records for this purpose.
14. Effective Date. This agreement shall take effect immediately upon its execution and shall remain in effect until terminated.
15. Withdrawal. Any Party may withdraw from this agreement, with or without cause, upon delivery of one-hundred twenty (120) days prior written notice to the Operational Area Coordinator designated in Paragraph 20 below.
16. Prior Agreements. To the extent that they are inconsistent with this agreement, all prior agreements for Public Works Mutual Aid between the Parties are hereby null and void. This agreement expressly supersedes the June 14, 1994 "Public Works Mutual Aid Agreement" entered into by the County of San Mateo and the cities in San Mateo County. This process does not preclude any routine or shared services for which the Parties may provide, may already have contracted, or may contract in the future.
17. Multiple Requests. Requests for public works mutual aid under this agreement when more than one city is impacted by an emergency will be channeled through the Operational Area Coordinator, whether or not that individual is activated as part of a Department Operations Center or as part of the San Mateo County Operational Area Emergency Operation Center, to ensure maximum effectiveness in allocating resources to the highest priority needs.
18. Dispute Resolution. Any controversy or claim arising out of or relating to this Agreement, or the breach thereof, shall be settled by arbitration in accordance with the rules of the American Arbitration Association and judgment on the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof.

19. Tort Claims Act. This agreement in no way acts to abrogate or waive any immunity available under the Tort Claims Act.
  
20. Operational Area Coordinator. The County of San Mateo Department of Public Works shall act as the initial Operational Area Coordinator of this program for the purpose of:
  - a. Receipt of new members to the agreement.
  
  - b. Maintaining a current list of signatory Parties and Coordinators.
  
  - c. Establishing and maintaining a list of Local Coordinators who have volunteered to serve as a Zone Coordinator.
  
  - d. Circulating annually a list of all Parties and Coordinators to all signatory Parties.
  
  - e. Arranging for amendments to the Agreement as may be necessary.

The Party acting as Operational Area Coordinator may transfer these responsibilities to another Party with the consent of that Party and upon notification of the other Parties.

21. Execution. All Parties agree that any other qualified public agency or quasi-public agency may become a Party to this Agreement by executing a duplicate copy of this Agreement and sending same to the Operational Area Coordinator, initially the County of San Mateo Department of Public Works, addressed as follows:

Public Works Director  
County of San Mateo  
555 County Center, 5<sup>th</sup> Floor  
Redwood City, CA, 94063-1665

22. Third Party Beneficiaries. Nothing set forth in this Agreement shall create, nor is it intended to create, third party beneficiaries with rights to enforce any clause, condition or term of this Agreement, or assert a claim or cause of action for breach of this Agreement.
  
23. Severability. Should any term or provision of this Agreement be determined to be illegal or in conflict with any law, the validity of the remaining portions or provisions shall not be affected thereby. Each term or provision of this Agreement shall be valid and enforced as written to the fullest extent permitted by law.

IN WITNESS WHEREOF, each Party has caused this Agreement to be executed and attested by its proper officers thereunto duly authorized, as follows:

Signatories	Resolution/Action Number	Date of Adoption
Atherton		
Belmont		
Brisbane		
Burlingame		
Colma		
Daly City		
East Palo Alto		
Foster City		
Half Moon Bay		
Hillsborough		
Menlo Park		
Millbrae		
Pacifica		
Portola Valley		
Redwood City		
San Bruno		
San Carlos		
San Mateo		
South San Francisco		
Woodside		
County of San Mateo		

## County of San Mateo Public Works Mutual Aid Agreement Procedures Guide

### I. PURPOSE

The purpose of this Procedures Guide is to provide Parties to the Public Works Mutual Aid Agreement with a practical set of guidelines on how to effectively provide and receive public works assistance. The terms of the Agreement shall govern in the event there is any actual or apparent conflict between this procedure guide and the Agreement. The following provisions are suggested guidelines only and not binding on any agency. These provisions should be modified and expanded as necessary to meet the unique needs, emergency organizational structure, and working relationships of each operational and regional area.

### II. TENETS OF OPERATIONAL AREA PUBLIC WORKS MUTUAL AID

1. The most effective means of providing timely assistance to a jurisdiction impacted by a disaster is to have agreements in place in advance of the disaster.
2. Assistance is voluntary.
3. Assistance provided shall be reimbursed by the requesting jurisdiction.
4. Jurisdictions should reasonably commit their own resources before requesting mutual aid.
5. A Proclamation of a Local Emergency is necessary to activate the agreement, unless waived by the Parties per paragraph 3 of the Agreement.
6. Cooperative planning and training are desirable to enhance the effectiveness of providing mutual aid when needed.

### III. PROCEDURES FOR PUBLIC WORKS MUTUAL AID

#### 1. Designated Public Works Coordinator

The Agreement specifies that the "Coordinator" shall mean the person designated by each party to act on behalf of that party on all matters relative to public works mutual aid, including but not limited to requests, responses and reimbursement.

It is suggested that the Coordinator be a person who during a disaster would be authorized to request public works resources and bind their agency for the cost of these resources. The Coordinator should also be in a position to authorize the providing agency to release personnel and equipment to the agency impacted by the disaster.

It is suggested that alternate coordinators be designated in case the primary coordinator is unavailable during the disaster.

## 2. WebEOC Communication

To obtain Public Works assistance, a planned method of communicating requests is essential. This includes using WebEOC as the primary means to process the request and maintain lines of communication. It is recommended that WebEOC be used to request assistance using the Resource Task (ICS-213RR). Communication via telephone, radio, microwave, etc. may be necessary in the early phases of an incident to ensure requests are being received and processed in a timely manner, and may also be used as secondary communication channels.

## 3. Operational Area Concept

The Agreement notes that an Operational Area, normally a County and all the jurisdictions within the County, will be the basic unit for coordinating public works mutual aid. Additionally, the coordination and assistance provided will generally mirror the zone concept of mutual aid under development by the San Mateo County Office of Emergency Services. Additionally, parties to the Agreement are expected to work cooperatively to pre-plan standardized response “packages” of resources to be provided to the varying levels of incident complexity identified in the National Incident Management System (NIMS).

## 4. California Office of Emergency Services (Cal OES) Role

Cal OES is expected to support public works mutual aid assistance under the agreement by offering assistance to the Regional and Operational Public Works Coordinator, and act as Statewide Coordinator for seeking mutual aid resources if required from beyond the impacted region.

## 5. Resource Lists and Contacts

It is strongly recommended that lists of public works resources be developed for each participating agency in the Operational Area. This list should be populated in the resources section of WebEOC and regularly reviewed and updated. Such lists are essential for the Operational Area Coordinator to quickly identify which agencies have the particular types of resources needed by the requesting impacted agency.

The designated Local Coordinator for each jurisdiction should develop a detailed list of resources for their agency by quantity, type of personnel equipment, materials, and a contact number to check on its availability when needed. It is suggested that the coordinator then provide a brief summary of that information to the operational area coordinator.

It is suggested that each party develops common standardized terminologies for resources to facilitate categorizing and compiling these inventory lists. However, the development of the standardized terminology should not impede the development of these resource lists.



#### 6. Arrange Care for Assisting Forces

The Agreement requires that the Requesting Party be responsible for the safekeeping of the resources provided by the Assisting Party.

#### 7. Documentation for Reimbursement

In accordance with the Agreement, each requesting and assisting party is required to keep accounting records of the personnel, equipment, and materials provided under the Mutual Aid Agreement as required by the Federal Stafford Act administered by the Federal Emergency Management Administration (FEMA) and State guidelines. This requirement is to maximize the requesting agencies reimbursement of costs expended to receive mutual aid.

Each party to the Agreement should become thoroughly familiar with those federal and state accounting requirements and pre-establish emergency management procedures and training of their personnel to carefully document all costs of labor, equipment and personnel, including administrative costs, accounted by specific damage location. These practices are not only for mutual aid reimbursement but for reimbursement of all agency costs associated with the disaster.

#### 8. Proclamation of Emergency

The Agreement requires that a Proclamation of Local Emergency must be approved by an authorized official of the impacted jurisdiction. A State of Emergency should also be requested through the Operational Area for approval by the Governor to authorize State reimbursement and, if warranted, a request for a Presidential Proclamation of Emergency to authorize federal reimbursement. Each Agency should include in their emergency plan a provision to seek such a proclamation from the authorized official in their jurisdiction as soon as they can reasonably determine that the disaster will be beyond the scope of mutual aid assistance. Because cumulative estimates of damage across the county may be combined to establish a basis for reimbursement from the state and a gubernatorial declaration of emergency, the collection and provision of damage estimates to the Operational Area for any incident that might have countywide implication is important in obtaining external resources.

#### 9. Agency in Charge

The Agreement provides that the Requesting Coordinator shall remain in charge of the incident and provide direction and control to the resources provided by the assisting party. The request may also include having the Assisting Party providing supervisory personnel to take direct charge of their forces under the overall direction of the Requesting Coordinator. The intent is that the Assisting Party will comply with all reasonable directions from the Requesting Coordinator. However, the Assisting Party should not be obligated to perform any work that it reasonably believes would unduly jeopardize the safety of its employees.

## 10. Checklists for Requesting Mutual Aid

Each Party to the Agreement is encouraged to develop checklists for their Coordinator to use in assuring that all required steps are followed to properly and effectively seek and provide Public Works Mutual Aid for the benefit of the impacted area and protection of the assisting party. These checklists should establish who is to carry out each essential function both internally to the agency and externally, and contact numbers and means for reaching them.

Attachment A (San Mateo County Operational Area Public Works Checklist for Mutual Aid Assistance) is a sample checklist.

## Attachment A

## San Mateo County Public Works Checklist for Mutual Aid Assistance

### I. Pre-Event

Develop procedures at the local operational area to carry out mutual aid including checklists of actions, resource lists, etc.

### II. Post Event

1. Local Agency quickly assesses estimated extent of damage and availability of local resources to respond.
2. If it is apparent that outside resources will be needed to effectively deal with the emergency, promptly authorize local official to request Proclamation of Local Emergency and, if warranted, request State of Emergency Proclamation through the Operational Area Emergency Operation Center.
3. Upon proclamation of local emergency, request mutual aid assistance from Operational Area Public Works Mutual Aid Coordinator according to pre-established procedures in WebEOC.
4. Ensure request is specific as to type and quantity of resources needed, when to report, who to report to, how long needed, type of work to be performed.

Once a providing party can be located to satisfy the resource request, the coordinator will determine how quickly these resources can be made available and notify the requesting party of that fact.

5. The requesting party will make all necessary arrangements to care for the assisting party's personnel and equipment if needed.
6. The requesting party will carefully document all costs by specific damage site according to State and Federal procedures to maximize reimbursement for costs. Carefully record the names of assisting personnel and equipment at each site, hours worked, and mileage.
7. The requesting party should return the assisting party's resources as soon as possible.

cc: Kendt Paxton  
John Hopkins  
Milt Mares  
Warer Martone

NRC \_\_\_\_\_  
GB \_\_\_\_\_  
WDC \_\_\_\_\_  
WF \_\_\_\_\_  
RNG \_\_\_\_\_  
MFJ \_\_\_\_\_  
LEJ \_\_\_\_\_  
BEK \_\_\_\_\_  
GCK \_\_\_\_\_  
JO \_\_\_\_\_  
TO \_\_\_\_\_  
GEP \_\_\_\_\_  
DIV \_\_\_\_\_  
DFW \_\_\_\_\_  
RGZ \_\_\_\_\_

Resolution No. 58365

Board of Supervisors, County of San Mateo, State of California

\*\*\*\*\*

**Resolution Authorizing the Execution of a Public Works Mutual Aid Agreement  
and Designating the Director of Public Works as the  
County's Coordinator for Said Agreement**

**RESOLVED**, by the Board of Supervisors of the County of San Mateo, State of California, that

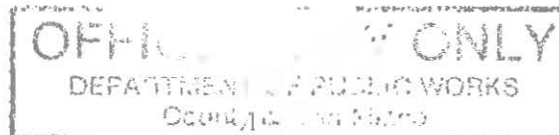
**WHEREAS**, the County of San Mateo and the cities in San Mateo County have expressed a mutual interest in the establishment of a plan to encourage public works mutual aid agreements; and

**WHEREAS**, this Board has determined that it would be in the County's best interest to participate in a Public Works Mutual Aid Plan; and

**WHEREAS**, Section 8630 et. seq. of the State of California Government Code allows local government agencies to enter into Mutual Aid Agreements; and

**WHEREAS**, there has been presented to this Board a form of agreement and this Board has considered same:

**NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED** as follows:



Regularly passed and adopted this 14th day of June, 1994.

AYES and in favor of said resolution:

Supervisors: MARY GRIFFIN  
TOM HUENING  
TED LEMPert  
RUBEN BARRALES  
MICHAEL D. NEVIN

NOES and against said resolution:

Supervisors: NONE

Absent Supervisors: NONE

(SEAL)

TOM HUENING  
 President, Board of Supervisors  
 County of San Mateo  
 State of California

Certificate of Delivery  
 (Government Code section 25103)

I certify that a copy of the original resolution filed in the Office of the Clerk of the Board of Supervisors of San Mateo County has been delivered to the President of the Board of Supervisors.

*[Signature]*  
 RICHARD L. SILVER  
 Clerk of the Board of Supervisors

STATE OF CALIFORNIA    )  
   )  
 COUNTY OF SAN MATEO    )

DALE ELLEN YOUNG, Deputy Clerk, Board of Supervisors, does hereby certify that the above and foregoing is a full, true and correct copy of Resolution No. 58365 entered in the minutes of said Board.

In Witness Whereof, I have hereunto set my hand and the seal of said Board this 14th day of June, 1994.



*Dale Ellen Young*  
 DALE ELLEN YOUNG  
 Deputy Clerk, Board of Supervisors

**ORIGINAL**  
**PUBLIC WORKS MUTUAL AID AGREEMENT**  
**FOR**  
**SAN MATEO COUNTY**

THIS MUTUAL AID AGREEMENT ["Agreement"] is made and entered into as of the 14<sup>th</sup> day of June, 1994, by those parties who have adopted and signed this agreement.

WHEREAS, the California Office of Emergency Services, the League of California Cities, the County Supervisors Association of California, and the American Public Works Association have expressed a mutual interest in the establishment of a plan to facilitate and encourage public works mutual aid agreements between political subdivisions throughout California; and

WHEREAS, the parties hereto have determined that it would be in their best interests to enter into an agreement that implements that plan and sets forth procedures and responsibilities of the parties whenever emergency personnel, equipment and facility assistance is provided from one party's Public Work Department to another; and

WHEREAS, no party should be in a position of depleting unreasonably its own resources, facilities, or services providing such mutual aid; and

WHEREAS, such an agreement is in accord with the California Emergency Services Act set forth in Title 2, Division 1, Chapter 7 [Section 8550 et. seq.] of said Act.

NOW, THEREFORE, in consideration of the conditions and covenants contained herein, the parties hereto agree as follows:

1. For this agreement, the following terms shall be ascribed the following meanings:

- A. "Coordinator" shall mean the person designated by each party to act on behalf of that party on all matters relative to mutual aid, to include but not be limited to requests, responses, and

reimbursement.

B. "Local Emergency" shall mean the actual or threatened existence of conditions of disaster or extreme peril to the safety of persons or property within the territorial limits of one of the parties caused by human or natural conditions such as air pollution, fire, flood, storm, wind, earthquake, explosion, transportation accident, hazardous material problem, tsunami, sudden or severe energy shortage, epidemic, riot or other occurrences other than conditions resulting from a labor controversy, which occurrences or the immediate threat thereof are likely to be beyond the control of the personnel, equipment, or facilities of that party to this agreement and which personnel, equipment, or facilities of the other party are therefore desired to combat.

C. The Agreement Coordinator shall be the Director of Public Works of San Mateo County.

2. Coordinators designated by each party shall be designated by title, agency, address, and phone number. If said Coordinator changes, the other parties to the agreement shall be notified in writing as soon as practical after the appointment has been made. Said notification shall be made through the "Agreement Coordinator" designated in item 17 hereinafter.
3. The Coordinator may request assistance when the Coordinator has determined that there is an actual or threatened local emergency as defined herein or when a local emergency has been proclaimed by a party's governing body or authorized official.
4. When a request for assistance is received, the assisting Coordinator shall promptly advise of the extent of response, provide whatever personnel, equipment and/or facilities as can be provided without jeopardizing the safety of persons or property within their jurisdiction. No party receiving a request for assistance shall be under an obligation to provide assistance or incur any liability for

not complying with the request.

5. When the assisting Coordinator's personnel, equipment and/or facilities are no longer required or when the assisting Coordinator advises that the resources are required within their own jurisdiction, the requesting Coordinator shall immediately arrange for the return of those resources.
6. The requesting party shall be responsible for the reasonable safekeeping of the resources provided by the assisting party. The request may include providing supervisory personnel to take direct charge of the resources under the general direction of the requesting Coordinator. The requesting Coordinator shall make arrangements for housing and feeding the assisting personnel, fueling, servicing, and repair of equipment if such support is requested by the assisting Coordinator. The assisting party's personnel shall not be deemed employees of the requesting party, and vice versa.
7. The requesting party agrees to reimburse the assisting party for all materials provided on a direct cost basis. Payment shall be made within ninety [90] days after receipt of a detailed invoice. However, the requesting party shall not be required to reimburse the responding party for any direct or indirect salary costs, equipment costs, or overhead costs for the personnel, equipment, and/or facilities provided by the responding party pursuant to this agreement unless the requesting party receives federal or state disaster reimbursement covering such costs. (1) The requesting party agrees to make every reasonable effort to obtain federal and state disaster reimbursement. If the requesting party received federal or state disaster reimbursement covering the costs incurred by the responding agency, then it shall reimburse the responding agency within ninety [90] days of receipt of reimbursement.
8. The requesting party shall hold harmless, indemnify and defend the assisting party, its officers, agents and employees against all



liability, claims, losses, demands or actions for injury to or death of a person or persons or damages to property arising out of or alleged to arise out of or in consequence of this agreement, provided such liability, claims, losses, demands or actions are claimed to be due to the acts or omissions of the requesting party, its officers, agents or employees, or employees of the assisting party working under the direction and control of the requesting party when the act or omission of such assisting party occurs or is alleged to occur within the scope of employment under the direction and control of the requesting party.

9. When mutual aid is provided, the requesting and assisting agencies will keep financial accounting records of the personnel, equipment, and materials provided as required by Federal and State and FEMA guidelines to maximize the possibility of Federal and State disaster reimbursement. Each party shall have access to the other party's financial records for this purpose.
10. This agreement shall take effect immediately upon its execution and shall remain in effect until terminated.
11. Any party may withdraw from this agreement without cause and upon delivery of sixty [60] days prior notice in writing to the Agreement Coordinator designated in item 1 hereinafter and all other signature agencies.
12. To the extent that they are inconsistent with this agreement, all prior agreements for public works mutual aid between the parties hereto are hereby null and void.
13. Request for mutual aid assistance under this agreement when more than one county is impacted by a disaster shall be channeled through the appropriate regional State Office of Emergency Services to ensure maximum effectiveness in allocating resources to the highest priority needs.
14. Any controversy or claim arising out of or relating to this

agreement or the breach hereof shall be settled by arbitration in accordance with the rules of the American Arbitration Association, and the judgement on the award rendered by the arbitrator[s] may be entered in any court having jurisdiction thereof.

15. This agreement in no way acts to abrogate or waive any immunity available under the Tort Claims Act.

16. Each party to this agreement agrees to:

A. maintain a current list of signatory parties and "Coordinators." The current list shall be disseminated annually to each party by the Agreement Coordinator.

B. advise the other parties, through the Agreement Coordinator, of any changes in its designated "Coordinator."

C. coordinate any proposed amendments to this agreement through the Agreement Coordinator.

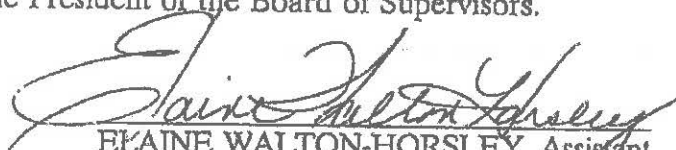
17. Other governmental agencies, utilities and special districts may become new members to this agreement upon mutual consent of all the participating parties.

IN WITNESS HEREOF, the parties hereto have executed this agreement by their duly authorized officers on the dates hereinafter indicated.

BY:

Certificate of Delivery  
(Government Code section 25103)

I certify that a copy of the original document filed in the Office of the Department of Public Works has been delivered to the President of the Board of Supervisors.

  
EKAINE WALTON-HORSLEY, Assistant  
Clerk of the Board of Supervisors



# MEMORANDUM

## TOWN OF PORTOLA VALLEY

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

**FROM:** Stacie Nerdahl, Administrative Services Manager

**DATE:** August 26, 2015

**RE:** Information Technology Services for Town Hall

### RECOMMENDATION

It is recommended that the Town Council approve the attached resolution approving and authorizing execution of an agreement between the Town of Portola Valley and the City of Redwood City for Information Technology Support.

### BACKGROUND

For the past five years, the Town has had an agreement with Redwood City's Information Technology Division (RWC-IT) to provide IT support services at Town Hall. Staff remains satisfied with the responsiveness and level of expertise provided by RWC-IT. The current proposed agreement allows for a CPI-based increase of 4%, and the attached resolution and agreement will continue the provision of services by RWC-IT to the Town through the fiscal year ending June 30, 2016.

The Town's agreement with RWC-IT allows for 156 hours of support service per year, or an average of three hours per week. At the end of the fiscal year, RWC-IT completes a true-up of actual hours vs. invoiced hours, and the value of any unused hours is refunded to the Town, or conversely, a final invoice is submitted to the Town for any additional hours used during the fiscal year. The table below provides a historical reference on their consulting costs for the past five years.

IT Services for Fiscal Year Ending	Contract Amount	Percentage Increase	Actual True-Up Cost at Year-End
2010-11	\$21,600	n/a	\$21,456
2011-12	\$21,973	1.7%	\$19,142
2012-13	\$22,413	2.0%	\$18,740
2013-14	\$23,420	4.5%	\$22,892
2014-15	\$24,358	4.0%	\$25,825

**FISCAL IMPACT**

Sufficient funds have been included in the 2015-16 adopted budget for the cost associated with this agreement.

**ATTACHMENT**

1. Agreement between the Town and RWC-IT
2. Resolution of the Town of Portola Valley Approving and Authorizing Execution of an Agreement Between the Town of Portola Valley and the City of Redwood City

**APPROVED – Debbie Pedro, Acting Town Manager**

**THE CITY OF REDWOOD CITY  
INFORMATION TECHNOLOGY SERVICES  
GENERAL TERMS AND CONDITIONS**

The CUSTOMER named on the applicable Services Order and the City of Redwood City (“RWC”) agree that these General Terms and Conditions (“GTC”) are applicable to all Information Technology (“IT”) Services provided by RWC to CUSTOMER. Capitalized terms have the meanings defined herein.

**1. General.**

The GTC describes the general terms and conditions applicable to CUSTOMER’s purchase of IT Services from RWC. The GTC together with the applicable Services Orders constitute the entire agreement between the parties. In the event of a conflict between the terms of the GTC and of any Services Order, the terms of the Services Order prevail.

**2. Services Orders.**

The Services to be performed by RWC are set forth in the applicable Services Order(s). Each Services Order will state the Service, the term for which Service is requested (the “Service Term”) and the pricing for the Service. A Services Order is not binding upon RWC unless signed by an authorized RWC representative.

**3. Service Commencement Date: Service Term.**

The Service Term will be as specified in the Services Order, and will commence on the date specified in the Services Order, or such later date as specified by RWC in a written notice to CUSTOMER. Upon expiration of the Service Term for a particular Services Order, Service will continue under the Services Order on a month to month basis at RWC’s then current rates, and either RWC or CUSTOMER may terminate the Service upon 30 days prior written notice. CUSTOMER will pay RWC’s then current charges for any moves, additions or changes to any Services Order or Service agreed to by the parties.

**4. Compensation: Billing: Payment.**

Compensation owed by CUSTOMER for Services rendered by RWC will be as set out in the applicable Services Order(s). Upon execution of a Services Order by CUSTOMER, RWC will invoice CUSTOMER for any non-recurring initial set up fees, and the first monthly recurring charges, if any. Billing for partial months is prorated. Subsequently, RWC will invoice CUSTOMER monthly in advance for any recurring charges for the Services, and in arrears for any Additional Services (defined below) that were requested by CUSTOMER and performed by RWC during the monthly billing period.

Payment is due within 30 days of the invoice date.

## 5. **Additional Services.**

Additional Services will be performed by RWC only at the request of CUSTOMER and will be charged to CUSTOMER at the RWC fiscal year hourly rate in effect at the time the Additional Services are performed. The hourly rate for work performed during Normal Business Hours, as defined below, is established annually by RWC for each fiscal year. A surcharge of \$25 per hour will be added to the normal business hourly rate for work performed during Non-Business Hours.

**A. Normal Business Hours:** Monday through Friday, 8:00 a.m. through 5:00 p.m. except on the following currently recognized RWC holidays (calendar dates vary depending on the year):

- New Year's Day
- Martin Luther King, Jr. Day
- Presidents Day
- Memorial Day
- 4th of July
- Labor Day
- Veterans Day
- Thanksgiving Day
- Thanksgiving Friday
- Christmas Eve
- Christmas Day
- New Year's Eve

**B. Non-Business Hours:** All hours outside of Normal Business Hours, as defined above.

## 6. **Reliance on Professional Skill of RWC.**

RWC represents that it has the necessary professional skills to perform the Services and Additional Services required and CUSTOMER may rely on such skills of RWC to do and perform the work. RWC will perform all the work in a professional manner.

## 7. **LIMITATION OF LIABILITY**

**NOTWITHSTANDING ANYTHING TO THE CONTRARY IN THE GTC OR SERVICES ORDERS, IN NO EVENT WILL RWC BE LIABLE FOR ANY DAMAGES WHATSOEVER FOR LOST PROFITS, LOST REVENUES, LOSS OF GOODWILL, LOSS OF ANTICIPATED SAVINGS, LOSS OF DATA, THE COST OF PURCHASING REPLACEMENT SERVICES, OR ANY INDIRECT, INCIDENTAL,**

f  
REV: 08-18-15 MLG

SPECIAL, CONSEQUENTIAL, EXEMPLARY OR PUNITIVE DAMAGES ARISING OUT OF THE PERFORMANCE OR FAILURE TO PERFORM UNDER ANY SERVICES ORDER. FURTHER, RWC WILL HAVE NO LIABILITY FOR ANY CLAIM AGAINST CUSTOMER BY A THIRD PARTY IN CONNECTION WITH OR FOR RESPONDING TO EMERGENCY 911 OR OTHER EMERGENCY REFERRAL CALLS. RWC will HAVE NO RESPONSIBILITY FOR THE SERVICE QUALITY OR SERVICE OUTAGES (I) CAUSED BY OR CONTRIBUTED TO, DIRECTLY OR INDIRECTLY, BY ANY ACT OR OMISSION OF CUSTOMER AND/OR ITS AFFILIATES, AGENTS OR REPRESENTATIVES; (II) DUE TO POWER FAILURES (III) DUE TO INTERNET OUTAGES; (III) CAUSED BY THE FAILURE OR MALFUNCTION OF NON-RWC EQUIPMENT OR SYSTEMS; OR (IV) DUE TO CIRCUMSTANCES OR CAUSES BEYOND THE CONTROL OF RWC OR ITS AGENTS. NOTWITHSTANDING ANYTHING TO THE CONTRARY IN THE GTC OR SERVICES ORDERS, RWC'S TOTAL CUMULATIVE LIABILITY TO CUSTOMER HEREUNDER WILL BE LIMITED TO THE ACTUAL FEES PAID BY CUSTOMER TO RWC DURING THE PRECEDING TWELVE (12) MONTHS.

**8. Compliance with Law.**

All services rendered hereunder by RWC will be provided in accordance with all ordinances, resolutions, statutes, rules and regulations of CUSTOMER, and any federal, state or local governmental agency having jurisdiction in effect at the time the service is rendered.

**9. Relationship of Parties.**

It is understood that the relationship of RWC to CUSTOMER is that of an independent contractor and all persons working for or under the direction of RWC are its agents or employees and not agents or employees of CUSTOMER.

**10. Nonassignment.**

The GTC and Services Orders are not assignable either in whole or in part.

**11. Amendments.**

The GTC and Services Orders may be amended or modified only by written agreement signed by both Parties.

**12. Validity.**

The invalidity, in whole or in part, of any provisions of the GTC or Services Orders will not void or affect the validity of any other provisions of the GTC or Services Orders.

**13 Governing Law/Litigation.**

The GTC and Services Orders will be governed by the laws of the State of California and any suit or action initiated by either Party will be brought in the County of San Mateo, California. In the event of

litigation between the Parties hereto to enforce any provision of the GTC and Services Orders, the unsuccessful Party will pay the reasonable expenses of litigation of the successful Party.

**14. Mediation.**

Should any dispute arise out of the GTC or Services Orders, the Parties will meet in mediation and attempt to reach a resolution with the assistance of a mutually acceptable mediator. Neither Party will be permitted to file legal action without first meeting in mediation and making a good faith attempt to reach a mediated resolution. The costs of the mediator, if any, will be paid equally by the Parties. If a mediated settlement is reached, neither Party will be deemed the prevailing party for purposes of the settlement and each Party will bear its own legal costs.

**15. Indemnity.**

CUSTOMER will defend, indemnify and hold harmless RWC and its officers, City Council, agents, employees and volunteers from and against all claims, damages, losses and expenses (including claims, damages, losses and expenses brought by third parties to this agreement) including attorney fees arising out of or relating to RWC's performance of the Services and Additional Services described in the GTC and Services Orders, including any loss of data, except where RWC has been found in a court of competent jurisdiction to be solely liable by reason of its own negligence or willful misconduct.

**16. Insurance.**

RWC will not insure for any loss or damage to any of CUSTOMER's property of any kind owned or leased by CUSTOMER or its employees, servants or agents even if such property is located on RWC's premises. CUSTOMER represents and warrants that all insurance required hereunder has been or will be obtained prior to the commencement of delivery of Services by RWC under any Services Order. Upon request, CUSTOMER will furnish RWC with certificates of insurance evidencing the required coverage.

**A. Liability Insurance.**

CUSTOMER will take out and maintain, so long as the GTC remains in effect, such bodily injury liability and property damage liability insurance as will protect RWC while performing work covered by the GTC and Services Orders from any and all claims for damages for bodily injury, including accidental death, as well as any and all claims for property damage or loss which may arise in connection with the provision of Services by RWC under the GTC and Services Orders. The amounts of such insurance will be a minimum of One Million Dollars (\$1,000,000) combined single limit bodily injury and property damage for each occurrence. RWC, its officers, employees and agents will be maintained as additional



insured's on said policy. All insurance will be with insurance carriers licensed in the State of California and in good standing with the California Department of Insurance.

**B. Self-Insurance.**

Notwithstanding the above, CUSTOMER will have the right to self-insure against any and all perils and/or liabilities against which it would otherwise be required to insure and will also have the right to effect any such insurance by means of so called "blanket" or "umbrella" policies of insurance. If CUSTOMER decides to self-insure, CUSTOMER must provide RWC with written notice of self-insurance identifying the type of policy coverage and the amount for which it will self-insure.

**17. Notices.**

All notices required by the GTC or Services Orders will be given to RWC and CUSTOMER in writing, by first class mail, postage paid, addressed as follows:

**RWC:** The City of Redwood City  
Attention: IT Manager  
1017 Middlefield Road  
Redwood City, CA 94063

**CUSTOMER:** AS SPECIFIED ON SERVICES ORDER

**18. Termination.** If CUSTOMER fails to make any payment when due and such failure continues for 10 business days after written notice from RWC, or if either party fails to observe or perform any other material term of the GTC or Services Orders and such failure continues for 30 days after written notice from the other party, then the non-defaulting party may: (a) terminate the GTC and/or any Services Order, in whole or in part, and/or (b) subject to the limitations of the GTC, pursue any remedies it may have at law or in equity. Redwood City, in the course of its duties, may have access to financial, accounting, statistical and personal data of private individuals and employees of the Town of Portola Valley. To the extent allowed by law, Redwood City covenants that all data, documents, discussion, or other information developed and received by Redwood City or provided for performance of this Agreement are deemed confidential and shall not be disclosed by Redwood City without written authorization by the town of Portola valley. Upon request, all Town of Portola Valley data shall be returned to the Town of Portola Valley upon termination of this Agreement. Redwood City Covenant under this Section shall survive the termination of this Agreement.

19. **Force Majeure.** Neither party will be liable, nor will any remedy provided by the GTC be available, for any failure to perform any obligations under the GTC or Services Orders (except the obligation to pay invoices for Services delivered) due to causes beyond such party's reasonable control which will include without limitations, acts of God, earthquakes, labor disputes, changes in law, regulation or government policy, riots, war, fire, epidemics, acts or omissions of vendors or suppliers, equipment failures, transportation difficulties, power or internet outages, or other similar occurrences ("force majeure").

**THE CITY OF REDWOOD CITY  
INFORMATION TECHNOLOGY SERVICES  
SERVICES ORDER**

**DATE:** 8/17/2015  
**CUSTOMER NAME:** Town of Portola Valley  
**CUSTOMER ADDRESS:** 765 Portola Road  
 Portola Valley, CA 94028  
 \_\_\_\_\_  
**Tel:** 650.851.1700 **Fax:** \_\_\_\_\_  
**Email:** DPedro@portolavalley.net

**SERVICE COMMENCEMENT DATE:** 7/1/2015

**PRICING:**

INITIAL SET UP FEE: N/A

MONTHLY RECURRING CHARGE: \$2,111.08 (156 annual hours at \$162.39 per hour divided by 12 months)

HOURLY RATE FOR ADDITIONAL SERVICES\*: 156.14

DURING NORMAL BUSINESS HOURS: 156.14

DURING NON-BUSINESS HOURS: 156.14

\*SUBJECT TO ANNUAL ADJUSTMENT BY RWC

**INITIAL SERVICE TERM:** 1 year

**MISCELLANEOUS:** Hours used above 156 will be invoiced during the month of July 2016. Unused hours will be refunded during the month of July 2016

Capitalized terms not defined herein have the meaning set forth in the General Terms and Conditions (GTC) attached hereto.

All charges in this Service Order are exclusive of taxes and fees.

By executing this Service Order, CUSTOMER is requesting, and agrees to pay for the Services identified and described in this Services Order and to be bound by the GTC, which is attached hereto and incorporated by reference.

**SERVICES TO BE PROVIDED:**

RWC, upon request, will advise, write specifications, implement, and/or maintain any technology agreed to in writing or electronically through email by both parties and which RWC has the skills and resources and availability to do so.

The individual signing for CUSTOMER represents that he/she is authorized to enter into this Service Order on behalf of CUSTOMER.

TOWN OF PORTOLA VALLEY  
("CUSTOMER")

**CITY OF REDWOOD CITY**  
("RWC")

By \_\_\_\_\_

By \_\_\_\_\_

Name: Debbie Pedro

Name: Aaron Akin

Title: Acting Town Manager

Title: Interim City Manager

Date:

Date:

**RESOLUTION NO. \_\_\_\_\_-2015**

**RESOLUTION OF THE TOWN COUNCIL OF THE  
TOWN OF PORTOLA VALLEY APPROVING AND AUTHORIZING  
EXECUTION OF AN AGREEMENT  
BETWEEN THE TOWN OF PORTOLA VALLEY  
AND THE CITY OF REDWOOD CITY**

WHEREAS, the Town Council of the Town of Portola Valley has read and considered that certain Agreement for Consulting Services ("Agreement") between the Town and the City of Redwood City

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

1. Public interest and convenience require the Town of Portola Valley to enter into the Agreement described above.

2. The Town of Portola Valley hereby approves the Agreement and the Mayor is hereby authorized on behalf of the Town to execute the Agreement between the Town of Portola Valley and the City of Redwood City.

PASSED AND ADOPTED this 26<sup>th</sup> day of August, 2015.

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

ATTEST:

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

#6

There are no presentations for tonight's Town Council meeting.



# MEMORANDUM

## TOWN OF PORTOLA VALLEY

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

**FROM:** Brandi de Garmeaux, Sustainability & Special Projects Manager

**DATE:** August 26, 2015

**RE:** Report from the Cultural Arts Committee

At the August 26, 2015 Town Council meeting, the Cultural Arts Committee will present their Annual Report (Attachment 1) and results from their survey conducted this summer. The survey had a participation rate of 213 respondents, approximately 10% of the households in Portola Valley. Attachment 2 is a publication the Committee would like to release to the community via the Town website and the PV Forum. Attachment 3 includes summaries of the results of the survey questions, which a Cultural Arts Committee member will review in their presentation.

### ATTACHMENTS

1. Cultural Arts Committee Annual Report
2. Cultural Arts Committee Town Survey Summary for Publicizing
3. Cultural Arts Committee Presentation on Town Survey Results

Approved by: Debbie Pedro, Acting Town Manager

**Cultural Arts Committee**

**2014- 2015 Annual Report to Town Council**

**August 26, 2015**

**1. Project Updates**

- Fiscal year-to-date (\$5000 budget – request increase to \$6000 was approved)
- 50<sup>th</sup> Anniversary events
  - Sponsored 3 En Plein Air events
  - Sponsored an Art Exhibit in art room
- 3 Summer Concerts with two food trucks per concert
- CAC Open House at School House in November to attract new members
- Holiday Fair in December
- Created CAC logo – consistent use on all signage – recycled old signage
- Designed CAC Portola Valley Town survey results indicate:
  - Participation rate of over 10% of Portola Valley households
  - Music most popular 66.3%
  - Lecture series 53.47%
  - Art Events 50.99%
  - Film 42.64%

**2. 2015 – 2016 anticipated projects**

- 3 Summer concerts
- Holiday Fair in December
- Conduct events based on results of survey:
  - Lecture event
  - Film event
  - Art event
- Consider Co-sponsoring one of these events with Woodside CAC

**3. Requests for Town Council Direction/resources**

- Continual support & advice

**4. Updates to committee charter/membership**

- Challenge increase membership – attracted one new member and a few interested
- Challenge for leadership replacement – Chairman will be resigning at end of year

### **Cultural Arts Committee Town Survey – Publication for Review**

Thank you Portola Valley for your terrific response to the Cultural Arts Committee survey this summer! We achieved a participation rate of 10% of Portola Valley households.

The survey results indicated the following 4 items received the highest ranking:

1. Music concerts
2. Lecture series
3. Art events
4. Film

The Cultural Arts Committee will be busy planning a calendar of events that will incorporate all of these top 4 events. We will be looking for ideas for some lectures. Please contact [culturalarts@portolavalley.net](mailto:culturalarts@portolavalley.net) if you have any suggestions. We are also interested in expanding our committee. Please contact [culturalarts@portolavalley.net](mailto:culturalarts@portolavalley.net) if you are interested in joining a committee committed to encourage community involvement by sponsoring and celebrating local art, creativity and cultural activities.





# Report to Town Council on Survey Results August 26, 2015

# Q1 Areas of Interest

	Not Interested	Somewhat Interested	Very Interested	Total
<b>Music</b>	4.52% 9	29.15% 58	<b>66.33%</b> <b>132</b>	<b>199</b>
<b>Lecture Series</b>	8.91% 18	37.62% 76	<b>53.47%</b> <b>108</b>	<b>202</b>
<b>Art Events</b>	9.90% 20	39.11% 79	<b>50.99%</b> <b>103</b>	<b>202</b>
<b>Film</b>	13.20% 26	44.16% 87	<b>42.64%</b> <b>84</b>	<b>197</b>
<b>Garden/ Landscape</b>	23.71% 46	40.21% 78	36.08% 70	194
<b>Cooking Arts</b>	25.25% 50	40.40% 80	34.34% 68	198
<b>Local History</b>	15.63% 30	50.52% 97	33.85% 65	192
<b>Drama</b>	24.49% 48	44.39% 87	31.12% 61	196
<b>PV Made</b>	11.70% 22	58.51% 110	29.79% 56	188
<b>Photography</b>	24.87% 48	47.67% 92	27.46% 53	193
<b>Dance</b>	34.54% 67	41.24% 80	24.23% 47	194
<b>Wine / Beer Making</b>	55.03% 104	24.34% 46	20.63% 39	189

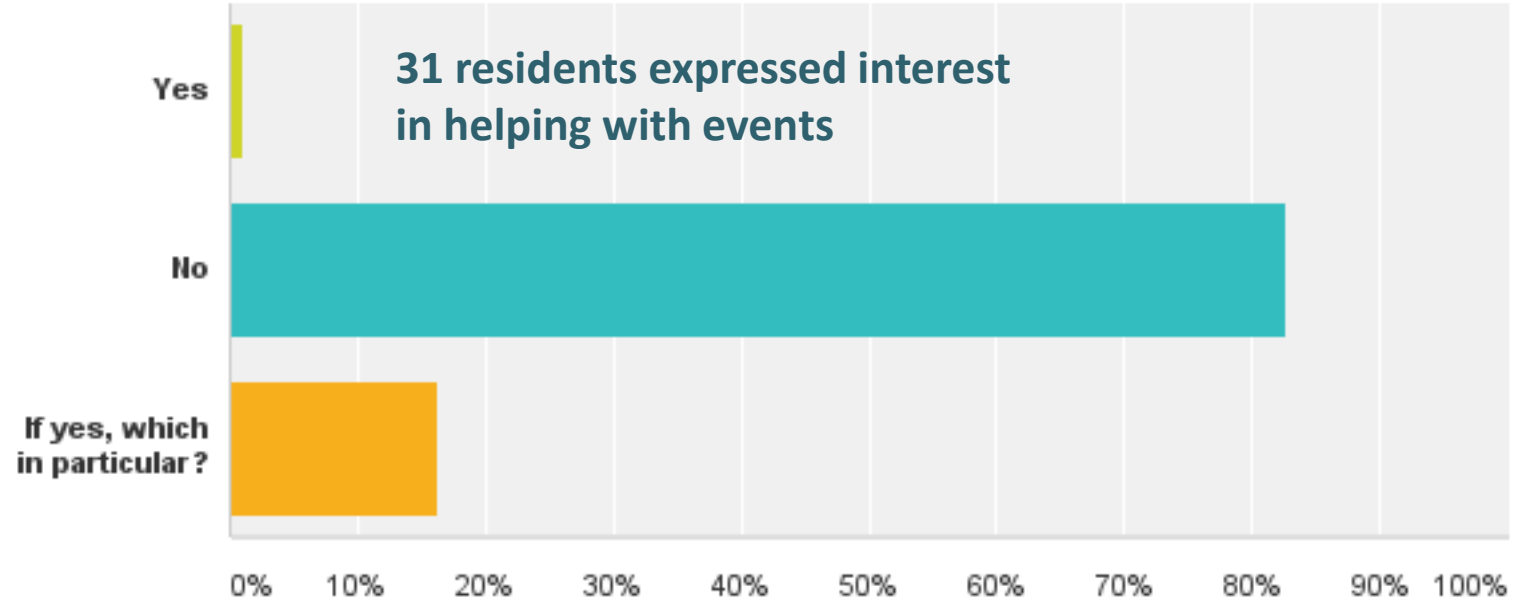
## Q2 Do you have suggestions for other events and activities in the areas of arts and culture? (73 responses)

### Suggestions included:

- Art workshops
- Kids craft event
- Beer festival
- Spelling Bee
- Talent show
- Poetry Slam
- Author/book signing events
- Home/garden/barn tours
- Outdoor movies at Town Center
- Sausage making/cheese making classes
- Collaboration with Sequoias and Priory
- Dance parties, not performances
- More local bands/concerts/music & more food trucks
- More activities like square dance at 50<sup>th</sup> Anniversary party
- Shows featuring local artists/photographers
- Several commented that current mix of events is about right

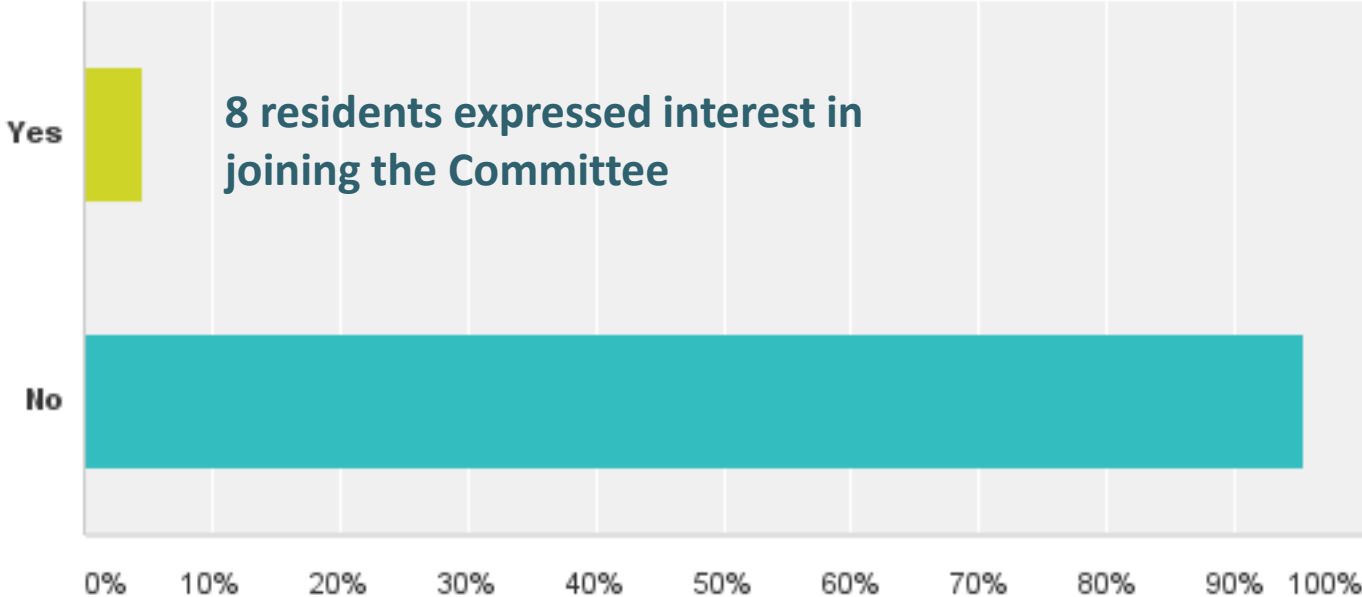
### Q3 Are you interested in helping create any of these events or activities? If yes, which in particular?

Answered: 179 Skipped: 34



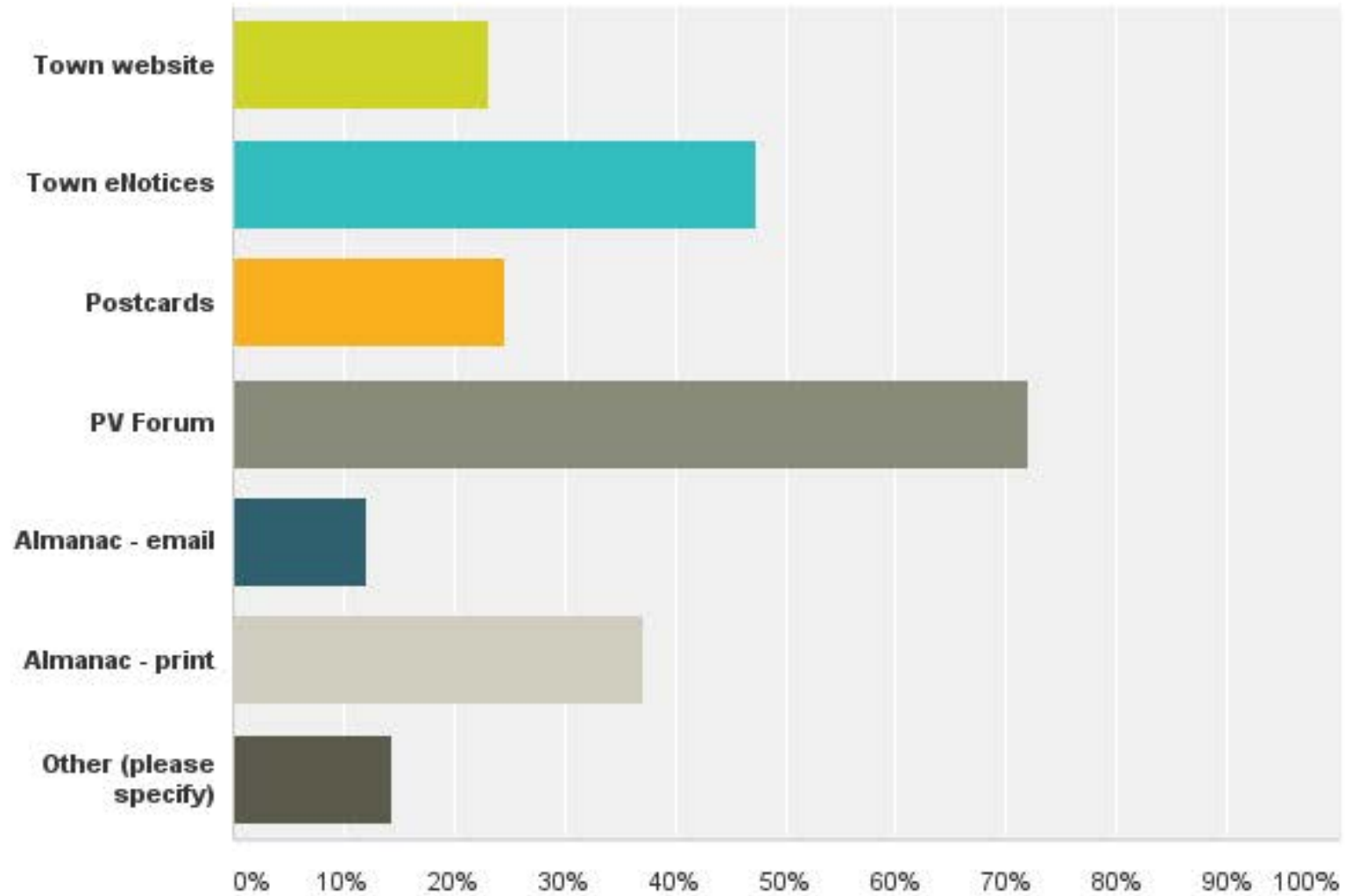
### Q4 Would you be interested in joining the Cultural Arts Committee of Portola Valley? If yes, please include your contact info below.

Answered: 176 Skipped: 37



## Q6 How do you typically receive information from the Town?

Answered: 207 Skipped: 6





# MEMORANDUM

## TOWN OF PORTOLA VALLEY

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

**FROM:** Brandi de Garmeaux, Sustainability & Special Projects Manager

**DATE:** August 26, 2015

**RE:** Update on Drought Emergency

There are no written materials for this agenda item. An oral report will be given by staff member Brandi de Garmeaux, Sustainability & Special Projects Manager.



# MEMORANDUM

## TOWN OF PORTOLA VALLEY

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

**FROM:** Debbie Pedro, Acting Town Manager

**DATE:** August 26, 2015

**RE:** Approval of Amendments to the Second Unit Ordinance

### RECOMMENDATION

Staff recommends that the Town Council waive reading and introduce the attached ordinance amending Title 18 [Zoning] of the Portola Valley Municipal Code relative to second units.

### BACKGROUND

Second units appear to be a very effective way of providing affordable housing in Portola Valley because of their compatibility with the rural nature of the town. In order to encourage the production of this housing type, the 2014 Housing Element calls for amendments to the Town's Zoning Ordinance with the intent to incentivize homeowners to build second units on their properties.

On June 3 and June 8, 2015, the Planning Commission and the ASCC held study sessions on the proposed ordinance amendments and provided staff with comments and feedback. On August 5, 2015, the Planning Commission voted 3-0 (Gilbert and McKitterick absent) to adopt Resolution # 2015-7 recommending approval of the proposed ordinance amendments.

### DISCUSSION

The Town's Zoning Ordinance has contained regulations for guest houses and second units since 1967. (Ord. 1967-80) The ordinance has been modified through the years and the last amendment was approved on January 26, 2011. (Ord. 2011-390) Under the current ordinance, a second unit is a permitted accessory use in the R-E zoning district and their requirements are provided in Section 18.12.040.B of the PVMC. (Attachment 5)

Key elements of the revised second unit ordinance are as follows:

1. Allow second units on parcels two acres or larger to have up to 1,000 square feet of floor area, rather than the current limit of 750 square feet.
2. Allow two second units to be built on parcels 3.5 acres or larger. One of the units would need to be attached to the main house and the other unit would be a detached structure. This change will allow owners of larger properties to



- 
- accommodate more housing, particularly for family members and potentially employees such as groundskeepers or caregivers.
3. Allow staff level review and approval of second units up to 750 square feet, rather than the current limit of 400 square feet.
  4. For second unit applications that are eligible for staff level review and approval, courtesy notices will be sent to owner(s) of adjoining properties to allow for neighbor input prior to action by planning staff.

At their August 5, 2015 meeting, the Planning Commission recommended a modification to one of the requirements in the draft ordinance stipulating that second units visible from a local scenic corridor will not be eligible for staff level approval. This change has been incorporated into Section 18.12.040.B.15.e of the ordinance.

In making their recommendation to the Town Council, the Planning Commission noted that in addition to being an effective way of providing affordable housing, second units also provide environmental benefits because they utilize existing infrastructure and have the potential to reduce car trips. The Planning Commission resolution is included in Attachment 2.

Additional background and discussion of the proposed ordinance amendments are included in the ASCC and the Planning Commission staff reports and meeting minutes dated June 3, June 8, and August 5, 2015. (Attachments 3 and 4)

#### **CEQA STATUS**

Pursuant to Public Resources Code Section 21080.17, an ordinance providing for the creation of second units in single family residential zones is not subject to the California Environmental Quality Act.

#### **FISCAL IMPACT**

None

#### **PUBLIC NOTICE**

Notice was provided by advertisement in the Almanac, posting of the agenda on the Town's notice bulletin board, and posting of the agenda and staff report on the Town's website.

#### **ATTACHMENTS**

1. Ordinance
2. Planning Commission resolution 2015-7
3. Planning Commission staff reports dated August 5 and June 3, 2015
4. ASCC staff report and meeting minutes dated June 8, 2015
5. Section 18.12.040.B of the PVMC (Second Unit Ordinance)

**ORDINANCE NO. 2015 - \_\_\_\_\_**

**ORDINANCE AMENDING TITLE 18 [ZONING] OF THE PORTOLA VALLEY  
MUNICIPAL CODE RELATIVE TO SECOND UNITS**

**WHEREAS**, on January 14, 2015, the Town Council of the Town of Portola Valley (“Town”) adopted its current Housing Element;

**WHEREAS**, second units appear to be a very effective way of providing affordable housing in Portola Valley;

**WHEREAS**, the Housing Element includes provisions to encourage increased production of second units, including allowing staff-level review of second units up to 750 square feet in size, allowing two second units on parcels that are over 3.5 acres in size, and allowing larger second units up to 1,000 square feet on lots that are two acres or more; and

**WHEREAS**, the Town Council identified amendments to the Zoning Ordinance to encourage the production of second units as a priority.

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

1. AMENDMENT OF CODE. Section 18.04.422 [Second Units] of Chapter 18.04 [Definitions] of Title 18 [Zoning] of the Portola Valley Municipal Code is hereby amended in its entirety to read as follows:

“An attached or detached residential dwelling unit located on the same parcel as a main dwelling unit and which provides complete independent living facilities, including those for living, sleeping, eating, cooking and sanitation, for one household.”

2. AMENDMENT OF CODE. Subsection (B) of Section 18.12.040 [Accessory Uses Permitted] of Chapter 18.12 [R-E (Residential Estate) District Regulations] of Title 18 [Zoning] of the Portola Valley Municipal Code is hereby amended in its entirety to read as follows:

“B. Second units subject to the following provisions:

1. A second unit up to seven hundred and fifty (750) square feet may be permitted on a parcel which is one acre or larger.
2. A second unit up to one thousand (1,000) square feet may be allowed on a parcel which is two acres or larger.
3. Two second units each up to one thousand (1,000) square feet may be allowed on a parcel of 3.5 acres or larger. Only one of the second units may be detached from the main house, except that both second units may be detached if both are created by converting existing floor area in legal accessory structures into second units.

4. Second unit floor area is inclusive of any basement area, but exclusive of garage or carport area.
5. The second unit shall have the same address as the principal dwelling.
6. The second unit is served by the same vehicular access to the street as the principal dwelling.
7. One dedicated parking space shall be provided for each second unit with one bedroom or less, and two dedicated parking spaces shall be provided for each second unit with two or more bedrooms.
8. Parking spaces in garages or carports shall be at least ten feet by twenty feet. Uncovered parking spaces shall be at least nine feet by eighteen feet.
9. Parking spaces do not have to be covered, guest spaces are not required and tandem parking is permitted.
10. Color reflectivity values shall not exceed forty percent except that trim colors shall not exceed fifty percent. Roofs shall not exceed fifty percent reflectivity.
11. Exterior lighting on the structure shall not exceed one light fixture per entry door. Each fixture shall be fitted with only one bulb and the bulb wattage shall not exceed seventy-five watts incandescent light if frosted or otherwise diffused, or twenty-five watts if clear. Each fixture shall be manually switched and not on a motion sensor or timer. Path lights, if any, shall be the minimum needed for safe access to the second unit and shaded by fixtures that direct light to the path surface and away from the sky.
12. Landscape plantings shall be selected from the town's list of approved native plants and shall adhere to the town's landscaping guidelines.
13. An application for a second unit shall be referred to the town geologist, director of public works, fire chief and, if dependent on a septic tank and drain field, to the county health officer in accordance with town policies.
14. An application for a second unit shall supply all information required by Section 18.64.040A.1 through 13.
15. Staff may approve an application for a second unit, either attached or detached, which meets all of the conditions below:
  - a) The second unit shall not exceed seven hundred and fifty (750) square feet of floor area.
  - b) The second unit shall conform to the Town's General Plan, Zoning and Site Development Codes, and Design Guidelines.
  - c) The second unit shall not exceed a vertical building height, of eighteen (18) feet with and a maximum building height of twenty-four (24) feet, as defined in

Section 18.54.020.A. A second unit may be permitted to a vertical building height of twenty-eight (28) feet and a maximum building height of thirty-four (34) feet subject to ASCC approval.

- d) The second unit shall have colors, materials and architecture similar to the principal dwelling. Architecture not similar to the architecture of the principal dwelling is subject to ASCC approval.
- e) The second unit is not visible from a local scenic corridor as identified in the General Plan.
- f) Written notification of a second unit permit application shall be given to owner(s) of adjoining properties at least six days prior to action by planning staff. Town planning staff shall consider comments from owner(s) of adjoining properties and may take action on a permit or refer it to the ASCC.

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

4. ENVIRONMENTAL REVIEW. Pursuant to Public Resources Code Section 21080.17, an ordinance providing for the creation of second units in single family residential zones is not subject to the California Environmental Quality Act.

5. EFFECTIVE DATE; POSTING. This ordinance shall become effective 30 days after the date of its adoption and shall be posted within the Town in three public places.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

ATTEST:

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

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

APPROVED AS TO FORM:

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

**RESOLUTION NO. 2015- 7**

**RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF  
PORTOLA VALLEY RECOMMENDING APPROVAL OF AN  
ORDINANCE AMENDING TITLE 18 [ZONING] OF THE PORTOLA  
VALLEY MUNICIPAL CODE**

**WHEREAS**, on January 14, 2015, the Town Council of the Town of Portola Valley (“Town”) adopted its current Housing Element;

**WHEREAS**, second units appear to be an effective way of providing affordable housing in Portola Valley;

**WHEREAS**, second units appear to be an effective way of providing for sustainability by using existing infrastructure and having the potential to reduce trip generation;

**WHEREAS**, the Housing Element includes provisions to encourage increased production of second units, including allowing staff-level review of second units up to 750 square feet in size, allowing two second units on parcels that are over 3.5 acres in size, and allowing larger second units up to 1,000 square feet on lots that are two acres or more; and

**WHEREAS**, the Planning Commission held a duly noticed hearing on August 5, 2015 regarding the proposed ordinance; and


**WHEREAS**, the proposed ordinance is exempt from California Environmental Quality Act (CEQA) pursuant to Section 21080.17 of the Public Resources Code.

**NOW, THEREFORE**, be it resolved that the Planning Commission of the Town of Portola Valley does hereby recommend that the Town Council approve the proposed ordinance as set forth in Exhibit A.

PASSED AND ADOPTED at the regular meeting of the Planning Commission of the Town of Portola Valley on August 5, 2015.

Ayes: Hasko, Targ, Von Feldt  
Noes:  
Absent: Gilbert, McKitterick  
Abstain:

  
By: \_\_\_\_\_  
Nicholas Targ, Chairperson

ATTEST:   
Debbie Pedro, Town Planner



# MEMORANDUM

## TOWN OF PORTOLA VALLEY

---

**TO:** Planning Commission

**FROM:** Debbie Pedro, Town Planner

**DATE:** August 5, 2015

**RE:** Review of Proposed Amendments to the Second Unit Ordinance

### RECOMMENDATION

Staff recommends that the Planning Commission review the draft ordinance, make any modifications deemed necessary, and adopt the resolution in attachment 1 recommending that the Town Council adopt the ordinance amending Chapters 18.04 and 18.12 of the Portola Valley Municipal Code.

### BACKGROUND

The Town's 2014 Housing Element contains a program that calls for amendments to the Second Unit Ordinance. Second units appear to be a very effective way of providing affordable housing in Portola Valley and the ordinance is intended to simplify the permit process and help encourage the production of second units.

### DISCUSSION

In June 2015, the Planning Commission and the ASCC held study sessions on the proposed changes to the ordinance. Key elements of the revised second unit ordinance are as follows:

1. Allow second units on parcels two acres or larger to have up to 1,000 square feet of floor area, rather than the current limit of 750 square feet.
2. Allow two second units to be built on parcels 3.5 acres or larger. One of the units would need to be attached to the main house and the other unit would be a detached structure. This change will allow owners of larger properties to accommodate more housing, particularly for family members and potentially employees such as groundskeepers or caregivers.
3. Allow staff level review and approval of second units up to 750 square feet, rather than the current limit of 400 square feet.

At their meeting on June 8, 2015, the ASCC suggested that courtesy notices be sent to adjoining properties to allow for neighbor input on second unit applications that are eligible for staff level review and approval. This change has been incorporated into the draft ordinance under section 18.12.040.b.15.f:

“Written notification of a second unit permit application shall be given to owner(s) of adjoining properties at least six days prior to action by planning staff. Town planning staff shall consider comments from owner(s) of adjoining properties and may take action on a permit or refer it to the ASCC.”

Additional background and discussion of the proposed ordinance amendments are included in the June 8, 2015 ASCC and June 3, 2015 Planning Commission staff reports. (Attachments 3 and 4)

### **CEQA STATUS**

Pursuant to Public Resources Code Section 21080.17, an ordinance providing for the creation of second units in single family residential zones is not subject to the California Environmental Quality Act.

### **ATTACHMENTS**

1. Resolution
2. Draft ordinance
3. Planning Commission staff report and meeting minutes dated June 3, 2015
4. ASCC staff report and meeting minutes dated June 8, 2015
5. Section 18.12.040.B of the PVMC (Second Unit Ordinance)



# MEMORANDUM

## TOWN OF PORTOLA VALLEY

---

**TO:** Planning Commission

**FROM:** Debbie Pedro, Town Planner

**DATE:** June 3, 2015

**RE:** Study Session on Amendments to the Second Unit Ordinance

### BACKGROUND

The 2014 Housing Element was adopted by the Town Council on January 14, 2015 and certified by the State Department of Housing and Community Development (HCD) on January 30, 2015. Program 3 of the 2014 Housing Element calls for amendments to the Town's Second Unit Ordinance with the intent to incentivize homeowners to add second units on their properties. Excerpts from Program 3 of the adopted Housing Element are provided in Attachment 1.

### DISCUSSION

The Town's Zoning Ordinance has contained regulations for guest houses and second units since 1967. (Ord. 1967-80) The ordinance has been modified through the years and the last amendment was approved on January 26, 2011. (Ord. 2011-390) Under the current ordinance, a second unit is a permitted accessory use in the R-E zoning district and their requirements are provided in Section 18.12.040.B of the PVMC. (Attachment 4)

In order to encourage the production of second units, program 3 of the adopted 2014 Housing Element calls for the following amendments to the Zoning Ordinance:

1. Allow second units on parcels two acres or larger to have up to 1,000 square feet of floor area, rather than the current limit of 750 square feet.
2. Allow two second units to be built on parcels 3.5 acres or larger. One of the units would need to be attached to the main house and the other unit would be a detached structure. This change will allow owners of larger properties to accommodate more housing, particularly for family members and potentially employees such as groundskeepers or caregivers.



3. Allow staff level review and approval of second units up to 750 square feet, rather than the current limit of 400 square feet.

Pursuant to Council direction, staff has drafted the ordinance amendments including adding a definition of second units to Section 18.04.422, and rewriting and reorganizing the second unit requirements in Section 18.12.040.B as called for by the Housing Element. A clean version of the draft ordinance is included as Attachment 2 and a redlined version is included as Attachment 3. Key changes to the ordinance are summarized below.

For property owners with larger lots (2+ acres and 3.5+ acres), the ordinance amendments would allow the construction of a second unit of up to 1,000 square feet and in some cases, two second units on the property. It should be noted that the potential to develop second unit(s) on a property would still be limited by other zoning and site development standards including setbacks, maximum floor area and impervious areas, topographical and geotechnical considerations.

The proposed amendments would allow ministerial review instead of discretionary review of second units that comply with the following requirements:

- The second unit shall not exceed seven hundred and fifty (750) square feet of floor area.
- The second unit shall conform to the Town's General Plan, Zoning and Site Development Codes, and Design Guidelines.
- The second unit shall not exceed a vertical building height of eighteen (18) feet with and a maximum building height of twenty-four (24) feet, as defined in Section 18.54.020.A.
- The second unit shall have colors, materials and architecture similar to the principal dwelling.
- The second unit is not located on a local scenic corridor as identified in the General Plan.

While staff cannot guarantee that the number of second unit applications will increase as a result of the proposed amendments, simplification of the permit process should help encourage second units. As with all applications for buildings and additions of any size, the Town Planner will have the discretion to forward projects with unusual or complex conditions to the ASCC for review pursuant to Section 18.64.010 of the PVMC.

### **Next Steps**

This study session is an opportunity for the Planning Commission to provide input on the proposed ordinance amendments. Based on comments and direction from the Commission, staff will make changes to the draft ordinance and forward it to the ASCC for review. The draft ordinance, along with comments from the ASCC will then return to the Planning Commission for review and recommendation to the Town Council.

### **Attachments**

1. Program 3 of the 2014 Housing Element adopted on January 14, 2015
2. Draft ordinance amendments (clean version) dated June 3, 2015
3. Draft ordinance amendments (redlined version) dated June 3, 2015
4. Section 18.12.040 of the PVMC (Second Unit Ordinance)

Puccinelli said it is possible, but once they start adjusting flow per pump it dramatically decreases the efficiency of the pump and can cause other problems.

Chair Targ asked if there were alternatives to the shelters to attenuate the noise. Mr. Puccinelli said they could install a sound wall or hang acoustical blankets, which would require a structure from which to hang the blankets. He said the new pumps will be quieter than the existing pumps and noted that the noise evaluation was conducted based on the assumption that four pumps would be running at one time.

With no further questions, Chair Targ asked the Commissioners for comments.

Commissioner Gilbert said she was satisfied that Cal Water understood the Commission's desires as far as aesthetics, particularly hiding the fence and the equipment as much as possible.

Commissioner Von Feldt said she is comfortable with the findings of the CUP and variance as proposed. She said she is generally all right with the structures and layout, although the aesthetics are primarily the ASCC's purview. In terms of landscaping, she would include the Conservation Committee comments about the plant selection if possible. Because Cal Water is a public utility using public money, she wants to be mindful of the possible additional costs of lowering the pumps, as well as the associated impervious surface implications and the impact on the Town's Portola Road project.

Vice Chair Hasko remains concerned about the overall amount of noise; however, she supports the mitigation plans and understands that the final noise levels cannot be precisely predetermined. In terms of the aesthetics, particularly being on the scenic corridor, she wants to do whatever is necessary but practical to protect the neighbor's views as well as views from the road. She would agree with flexibility with the protection mechanism to try to save at least Trees #12 and #13.

Chair Targ asked if there was a consistency analysis performed with respect to the scenic road corridor. Ms. Kristiansson advised that she had reviewed the Corridor Plan specifically with regard to this project and found it to be consistent.

Chair Targ asked staff to reach out to the house across the street for their comments or concerns.

(4) Study Session on Amendments to the Second Unit Ordinance (Staff: D. Pedro)

Ms. Pedro presented the staff report regarding amendments to the Town's Second Unit Ordinance. She said that historically the Town has relied on second units to provide most of the affordable housing stock. With the goal of increasing the production of this type of housing, Program 3 of the 2014 Housing Element called for three amendments to the Second Unit Ordinance, as detailed in the staff report. She said that staff is seeking comments and directions from the Planning Commission. The ordinance will be forwarded to the ASCC and then return to the Planning Commission and the Town Council for review.

Commissioner Gilbert suggested amending Item #3 to read "Two second units, each up to one thousand (1,000) square feet ..."

In response to questions from the Commission, Ms. Pedro said that if a property was 3 ½ acres or larger, two accessory structures could be built on the property and then later be converted to second units.

Vice Chair Hasko said the ad hoc committee looked at requirements in nearby towns and found that Portola Valley had more restrictive limitations. She supports this approach as it makes it easier to create second units.

Ms. Pedro pointed out that Items 11-15 are existing language in the Second Unit Ordinance and are repeats of language in the design guidelines and other code sections. She asked for feedback from the Commission on whether it was necessary to duplicate that language in this ordinance or just include reference to the original source of the language.

The Commission discussed codifying the language by putting it in the ordinance rather than referring to guidelines, with the advantages being strengthening the guideline to a requirement and also having all the information up front and in one place. It was noted, however, that the result would be the requirements for the second unit being stricter than the requirements for the main house.

Chair Targ was concerned about some accessory structures being treated differently than others. He preferred cross-references rather than duplicating the language within the ordinance because if the underlying Code is changed in one place, the burden is then to be sure to change it in all the other places. He suggested the ASCC weigh in on the issue.

#### COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

None.

#### APPROVAL OF MINUTES: March 4, 2015, and May 20, 2015

Chair Targ moved to approve the minutes of the March 4, 2015, meeting. Seconded by Commissioner Von Feldt, the motion carried 3-0. Vice Chair Hasko abstained.

Chair Targ moved to approve the minutes of the May 20, 2015, meeting. Seconded by Commissioner Von Feldt, the motion carried 3-0. Commissioner Gilbert abstained.

#### ADJOURNMENT [9:42 p.m.]

Chair Targ said this would be the last Planning Commission he would be attending with Ms. Kristiansson in attendance. The Commission commended Ms. Kristiansson on her excellent work and service to Portola Valley.

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Nicholas Targ, Chair

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Debbie Pedro, Town Planner



# MEMORANDUM

## TOWN OF PORTOLA VALLEY

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**TO:** ASCC

**FROM:** Debbie Pedro, Town Planner

**DATE:** June 8, 2015

**RE:** Study Session on Amendments to the Second Unit Ordinance

### BACKGROUND

The 2014 Housing Element was adopted by the Town Council on January 14, 2015 and certified by the State Department of Housing and Community Development (HCD) on January 30, 2015. Program 3 of the 2014 Housing Element calls for amendments to the Town's Second Unit Ordinance with the intent to incentivize homeowners to add second units on their properties. Excerpts from Program 3 of the adopted Housing Element are provided in Attachment 1.

### DISCUSSION

The Town's Zoning Ordinance has contained regulations for guest houses and second units since 1967. (Ord. 1967-80) The ordinance has been modified through the years and the last amendment was approved on January 26, 2011. (Ord. 2011-390) Under the current ordinance, a second unit is a permitted accessory use in the R-E zoning district and their requirements are provided in Section 18.12.040.B of the PVMC. (Attachment 4)

In order to encourage the production of second units, program 3 of the adopted 2014 Housing Element calls for the following amendments to the Zoning Ordinance:

1. Allow second units on parcels two acres or larger to have up to 1,000 square feet of floor area, rather than the current limit of 750 square feet.
2. Allow two second units to be built on parcels 3.5 acres or larger. One of the units would need to be attached to the main house and the other unit would be a detached structure. This change will allow owners of larger properties to accommodate more housing, particularly for family members and potentially employees such as groundskeepers or caregivers.

3. Allow staff level review and approval of second units up to 750 square feet, rather than the current limit of 400 square feet.

Per Council's direction, staff has drafted the ordinance amendments including adding a definition of second units to Section 18.04.422, and rewriting and reorganizing the second unit requirements in Section 18.12.040.B as called for by the Housing Element. A clean version of the draft ordinance is included as Attachment 2 and a redlined version is included as Attachment 3. Key changes to the ordinance are summarized below.

For property owners with larger lots (2+ acres and 3.5+ acres), the ordinance amendments would allow the construction of a second unit of up to 1,000 square feet and in some cases, two second units on the property. It should be noted that the potential to develop second unit(s) on a property would still be limited by other zoning and site development standards including setbacks, maximum floor area and impervious areas, topographical and geotechnical considerations.

The proposed amendments would allow staff review and approval of second units that comply with the following requirements:

- The second unit shall not exceed seven hundred and fifty (750) square feet of floor area.
- The second unit shall conform to the Town's General Plan, Zoning and Site Development Codes, and Design Guidelines.
- The second unit shall not exceed a vertical building height of eighteen (18) feet with and a maximum building height of twenty-four (24) feet, as defined in Section 18.54.020.A.
- The second unit shall have colors, materials and architecture similar to the principal dwelling.
- The second unit is not located on a local scenic corridor as identified in the General Plan.

At their meeting on June 3, 2015, the Planning Commission reviewed the draft and had no major comments. They discussed whether requirements regarding color reflectivity, exterior lighting, and landscape plantings (#10-12) should remain as written as they already exist in the Design Guidelines and decided to defer the discussion to the ASCC.

### **Next Steps**

This study session is an opportunity for the ASCC to provide input on the proposed ordinance amendments. Based on comments and direction from the ASCC, staff will make changes to the draft ordinance and forward it to the Planning Commission for review. The draft ordinance, along with comments from the ASCC and Planning Commission, will then be forwarded to the Town Council for their review and consideration.

### **ATTACHMENTS**

1. Program 3 of the 2014 Housing Element adopted on January 14, 2015
2. Draft ordinance amendments (clean version) dated June 8, 2015
3. Draft ordinance amendments (redlined version) dated June 8, 2015
4. Section 18.12.040 of the PVMC (Second Unit Ordinance)

Chair Ross invited questions from the Commissioners.

Commissioner Breen asked about the plans for site restoration once Station 8 is removed. Mr. Puccinelli advised that the area will be dry seeded and restored to its original condition.

Chair Ross opened the public hearing.

Fred Wydler, 1385 Westridge Drive, expressed concerns about visibility of the pumps from his property. Ms. Kristiansson explained that the pump site is small and almost entirely within the setback. She said the site has been used as a utility pump station since 1955 and is considered to be legal nonconforming. Ms. Pedro added that it is impossible for the project to meet the setback requirements and variance findings can be made for the proposed modifications to the existing facility.

With regard to Mr. Wydler's concerns about the emergency generator's noise levels, Ms. Kristiansson said use of the generator is limited to a 15-minute test per week, between specific daytime hours, or in emergency situations.

Chair Ross closed the public hearing and requested Commissioner comments.

Commissioner Clark expressed support of the project.

Commissioner Breen was supportive of the project. She said that she preferred the grouse tan paint color for the equipment and emphasized that new planting is key to mitigating the view of the facility. She suggested that two ASCC members be involved in field placement of the landscape planting.

Chair Ross also preferred the grouse tan color and agreed that two ASCC members should assist with the planting placement. He supported postponing planting until the fall of 2016. He suggested additional planting, if possible, between the neighbor's driveway and the fence. Since the rear fence is on the property line and there is no room between the driveway and the fence, Chair Ross suggested planting vines on the fence.

Commissioner Breen moved to approve the Architectural and Site Plan Review and recommend approval by the Planning Commission of the Conditional Use Permit, Variance, Initial Study and Mitigated Negative Declaration for the proposed project, with the amendment to Condition 4 to have two designated members of the ASCC assist with field placement of the plantings and specifying the color grouse tan to be used on the equipment and shelters. Seconded by Commissioner Clark, the motion carried 3-0.

(5) NEW BUSINESS

(a) Study Session on Amendments to the Second Unit Ordinance (Staff: D. Pedro)

Ms. Pedro presented the staff report summarizing the key amendments to the Second Unit Ordinance. She said that staff is conducting a study session tonight and is seeking comments and direction from the ASCC. The comments will then be incorporated into the draft ordinance and forwarded to the Planning Commission and the Town Council for consideration.

Commissioner Breen was uncomfortable with amendment #3 to increase the threshold for staff level review from 400 square feet to 750 square feet. Ms. Pedro pointed out that even though a 750 square foot second unit would qualify for staff level review, it may be forwarded to the ASCC for architectural review if there are any unusual features or site conditions. Ms. Kristiansson added that the proposed amendments have been approved by the Council as part of the housing element last year.

Chair Ross suggested that the ASCC be advised at their regular meetings of new second unit applications. He is concerned that staff may not be able to require certain conditions to mitigate potential impacts, such as light spill, that the ASCC could.

Commissioner Breen likes the idea of having new second unit applications reported to the ASCC under Commission and Staff Reports on the meeting agenda.

Mayor Aalfs asked if neighbors would be notified of 750 square-foot projects under staff review. Ms. Pedro said that administrative approvals do not require public hearings and neighbors are typically not noticed. However, courtesy notices can be sent to adjoining property owners and staff approvals may be appealed to the ASCC.

Ms. Pedro said the Planning Commission questioned whether items #10, #11, and #12, which are duplicates of items in the design guidelines, should be included in the ordinance, with the observation that a guideline is not as strong as an ordinance and inclusion would effectively make second units have more restrictions than a new residence. Chair Ross was in support of leaving those items in the Second Unit Ordinance.

Commissioner Clark also supported keeping the language within the ordinance.

Chair Ross asked for public comment. There was none.

The ASCC was generally supportive of the proposed amendments to the Second Unit Ordinance.

(6) COMMISSION AND STAFF REPORTS: [8:38 p.m.]

Commissioner Breen advised that she assisted in the placement of the three screening oak trees for the cellular monopine at the Priory.

Chair Ross advised that he reviewed and approved the construction staging plan for 250 Alamos.

Ms. Kristiansson advised that her last day working for the Town would be June 30<sup>th</sup> and expressed her appreciation for the dedication and work of the ASCC.

Ms. Pedro thanked Ms. Kristiansson for her work with the Town.

(7) APPROVAL OF MINUTES: May 26, 2015. Commissioner Clark moved to approve the May 26, 2015, minutes as submitted. Seconded by Commissioner Breen, the motion passed 3-0.

(8) ADJOURNMENT [8:41 p.m.]

## Portola Valley Municipal Code

### 18.12.040 - Accessory uses permitted.

Accessory uses permitted in the R-E district shall be as follows:

- A. Accessory uses, as permitted by Section 18.36.040 and Chapter 18.40
- B. One second unit on a parcel of one acre or larger subject to the following provisions:
  1. All provisions of Title 18 (Zoning) pertaining to this district prevail unless otherwise provided for in this subsection B.
  2. A second unit shall comply with all provisions of the site development and tree protection ordinance, set forth in Chapter 15.12
  3. The parcel already contains an existing single-family dwelling or the second unit is being built simultaneously with a new single-family dwelling that will be the principal dwelling.
  4. The second unit is attached to the principal dwelling, at the ground floor level or in a basement, and does not exceed a floor area of four hundred square feet. Second unit floor area is inclusive of any basement area, but exclusive of garage or carport area. Second units that are larger than four hundred square feet in floor area, that require a permit under Chapter 15.12, the Site Development and Tree Protection Ordinance, or that are located above the first story are subject to architectural and site control commission (ASCC) approval per Chapter 18.64
  5. Whether attached or detached from the principal dwelling, the second unit floor area may exceed four hundred square feet subject to ASCC approval per Chapter 18.64. In such cases, however, the second unit floor area may not exceed seven hundred fifty square feet.
  6. Second units up to seven hundred fifty square feet may be created by converting space within an existing home. When created within the first floor of an existing home, or including an addition of four hundred square feet or less, such second units may be permitted solely with a zoning permit, and without review of the ASCC. However, staff at their discretion may refer an application to the ASCC if the application includes proposals for doors, windows or other exterior improvements that could potentially have a significant effect on the aesthetics of the structure.
  7. The second unit complies with the definition of dwelling unit in Section 18.04.150
  8. The second unit is served by the same vehicular access to the street as the principal dwelling and complies with off-street parking requirements for dwellings set forth in Chapter 18.60 except that parking spaces do not have to be covered, guest spaces are not required and tandem parking is permitted.
  9. The second unit shall have the same address as the principal dwelling.
  10. A second unit shall not exceed a height, as defined in Section 18.54.020, of eighteen feet with a maximum height of twenty-four feet. A second unit may be permitted to a height of twenty-eight feet and a maximum of thirty-four feet subject to ASCC approval per Chapter 18.64
  11. The second unit shall have colors, materials and architecture similar to the principal dwelling. Architecture not similar to the architecture of the principal dwelling is subject to ASCC approval per Chapter 18.64
  12. Color reflectivity values shall not exceed forty percent except that trim colors shall not exceed fifty percent. Roofs shall not exceed fifty percent reflectivity.
  13. Exterior lighting on the structure shall not exceed one light fixture per entry door. Each fixture shall be fitted with only one bulb and the bulb wattage shall not exceed seventy-five watts incandescent light if frosted or otherwise diffused, or twenty-five watts if clear. Each fixture shall be manually switched and not on a motion sensor or timer. Path lights, if any, shall be the minimum needed for safe access to the second unit and shaded by fixtures that direct light to the path surface and away from the sky.
  14. Landscape plantings shall be selected from the town's list of approved native plants and shall adhere to the town's landscaping guidelines.



15. An application for a second unit shall be referred to the town geologist, director of public works, fire chief and, if dependent on a septic tank and drain field, to the county health officer in accordance with town policies.
  16. An application for a second unit shall supply all information required by Section 18.64.040A.1 through 13.
  17. Second units on parcels with frontage on Portola Road or Alpine Road, both of which are identified as local scenic corridors in the general plan, are subject to ASCC approval per Chapter 18.64 to ensure consistency with the general plan.
- C. Equestrian facilities serving a single residential dwelling including stables, corrals, exercise rings, and the like, provided that (i) requirements of the stable ordinance, Chapter 6.12, shall apply, (ii) for a corral, the sum of the maximum depth of cut and maximum height of fill shall not exceed six feet and (iii) corrals and riding rings shall be set back a minimum of twenty feet from property lines.
- D. The renting of rooms and/or the providing of table board in a dwelling as an incidental use to its occupancy as a dwelling, provided that not more than one paying guest is accommodated. Provided further that this shall not be construed as authorizing the establishment of any rest home, convalescent home, boarding home, or any other institution of a type which requires any state or local license, nor any other operation which tends to change the character of the property involved or of the neighborhood.
- E. Home Occupation. The conduct of an art or profession, the offering of a service, or the handcraft manufacture of products subject to the following conditions:
1. Such occupations shall be conducted entirely by resident occupants.
  2. The floor area used for such occupations shall not exceed that equivalent to one-fourth of the floor area of the main residence but shall not be more than four hundred square feet in any case.
  3. No products shall be sold or stocked for sale other than those finished products which are produced on the premises.
  4. There shall be no unusual external alteration of the dwelling to accommodate a home occupation, and the existence of a home occupation shall not be apparent beyond the boundaries of the parcel.
  5. There shall be no show window, window display, or sign to attract customers or clients.
  6. There shall be no emission readily discernible at the property lines of sound, vibration, odor, electrical interference, light, dust, waste, or other properties not normally associated with residential occupancies.
  7. No motor power other than electrically operated motors shall be used in connection with a home occupation. The horsepower of any single motor shall not exceed one-half horsepower, and the total horsepower of such motors shall not exceed one horsepower.
  8. Automobile, pedestrian or truck traffic attendant to such occupations shall not be other than on an infrequent or occasional basis, and shall not be significantly in excess of the normal amount required for residential uses in the district. Vehicles or equipment of types not normally accessory to a dwelling shall not be parked or stored in any exterior location.
  9. In the case of a physician, surgeon, or dentist, the use shall be subordinate to the use of an office located elsewhere unless the practice is of such restricted nature as to involve only occasional visits by patients.
  10. The uses permitted under this subdivision shall not include a commercial photo studio, beauty parlor or barbershop, or any similar service enterprise; or a music school, dancing school, business school, or other school of any kind with organized classes or similar activity.
- F. Private swimming pools, cabanas, tennis courts, and similar recreation facilities.
- G. Private garages, carports, and parking areas.

- H. Signs as permitted and regulated by Chapter 18.40
- I. The sale of agricultural products grown on the premises, provided that no building or structure is maintained specifically for such purposes.
- J. Household pets and domestic animals permitted by town ordinances.
- K. Emergency shelters for up to ten individuals only when located on a parcel with a conditional use for a religious institution, subject to a zoning permit. Architectural and site plan review shall be required for the design of the emergency shelter unless the shelter is located within an existing structure, but no discretionary approval shall be required. Emergency shelters shall comply with the following standards:
  - 1. Temporary shelter shall be available to residents for no more than sixty days. Extensions up to a total stay of one hundred eighty days may be permissible if no alternative housing is available.
  - 2. On-site management shall be provided during the hours of shelter operation.
  - 3. Emergency shelters may include common space for the exclusive use of the guests, and office and meeting space for the exclusive use of emergency shelter staff.
  - 4. Each shelter shall have a designated outdoor smoking area that is not visible from the street or from adjacent properties. The outdoor smoking area may be screened by vegetation.
  - 5. On-site parking may be provided as shared parking with the church use. If separate on-site parking is needed, the maximum amount required shall be 0.35 parking spaces per one bed plus one space per staff member on duty when guests are present.

(Ord. 2011-390 § 4, 2011; Ord. 2003-354, § 1, 2003; Ord. 2003-352, § 1, 2003; Ord. 2001-338 § 6 (part), 2001; Ord. 1991-263 §§ 4, 5, 1991; Ord. 1988-242 § 2 (Exh. A) (part), 1988; Ord. 1979-166 § 20 (part), 1979; Ord. 1969-99 § 4, 1969; Ord. 1967-80 § 1 (6501.33), 1967)



# MEMORANDUM

## TOWN OF PORTOLA VALLEY

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

**FROM:** Debbie Pedro, Acting Town Manager

**DATE:** August 26, 2015

**RE:** Adoption of an Ordinance to Establish Expedited Permitting Procedures for Small Residential Rooftop Solar Systems

### RECOMMENDATION

Staff recommends that the Town Council waive reading and introduce the attached ordinance adding Chapter 15.21 [Small Residential Rooftop Solar Systems] to the Portola Valley Municipal Code.

### BACKGROUND

Assembly Bill No. 2188 (Muratsuchi, 2014) requires local governments to adopt an ordinance that creates an expedited, streamlined permitting process for small rooftop solar system installations on or before September 30, 2015.

### DISCUSSION

The proposed ordinance is intended to comply with the requirements of Government Code section 6580.5 and provide an expedited plan submittal and review process for small rooftop solar systems. To minimize barriers, obstacles, and costs of obtaining permits for solar energy systems, the Town will allow electronic submittal and review of plans, use a standard checklist to determine a project's eligibility for expedited review, and require only one inspection by the Town's Building Inspector, with an additional inspection by the Fire Department as appropriate.

The ordinance applies to the following residential rooftop solar energy systems:

- No larger than 10kW for photovoltaic or 30kW for thermal domestic hot water.
- Conform with all applicable state fire, structural, electrical, and other building codes as adopted or amended by the Town of Portola Valley and all state and County health and safety standards.
- Installed on a single family or duplex dwelling.
- Consists of solar panel or module array that does not exceed the maximum legal building height as defined by the Town of Portola Valley.

Staff does not anticipate any issues with implementing the requirements of AB2188. The Town's Building Department, by its current process, already expedites the review of solar applications. However, to satisfy the State requirement, the Town must adopt an ordinance as mandated by section 65850.5(g)(1) of the California Government Code.

On July 27, 2015, the ASCC reviewed the proposed ordinance and unanimously recommended approval of the ordinance as proposed. On August 5, 2015 the Planning Commission voted 3-0 (Gilbert and McKitterick absent) to adopt Resolution # 2015-8 recommending approval of the proposed ordinance. Additional background on the proposal is included in the ASCC and Planning Commission staff reports. (Attachments 3 and 4)

### CEQA STATUS

The proposed application is exempt from California Environmental Quality Act (CEQA) pursuant to Section 15061 (b)(3) of the CEQA Guidelines.

### **FISCAL IMPACT**

None

### **PUBLIC COMMENTS**

No written public comments have been received as of the writing of this report.

### **ATTACHMENTS**

1. Ordinance
2. Planning Commission resolution 2015-8
3. Planning Commission staff report dated August 5, 2015
4. ASCC staff report and meeting minutes dated July 27, 2015
5. State Assembly Bill 2188
6. FAQ, Implementation of AB2188 Solar Permits and Inspections

ORDINANCE NO. 2015 - \_\_\_\_\_

**ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PORTOLA VALLEY ADDING CHAPTER 15.21 TO THE PORTOLA VALLEY MUNICIPAL CODE TO ESTABLISH EXPEDITED PERMITTING PROCEDURES FOR SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS**

**WHEREAS**, as set forth in Government Code Section 65850.5(a) it is the policy of the State of California that local agencies encourage the installation of solar energy systems by removing obstacles to, and minimizing the costs of, permitting such energy systems; and

**WHEREAS**, as set forth in Government Code Section 65850.5(g), cities must adopt an ordinance on or before September 30, 2015 that creates an expedited and streamlined permitting process for small residential rooftop solar energy systems; and

**WHEREAS**, the Town of Portola Valley ("Town") desires to comply with Government Code Section 65850.5, to encourage the installation of small residential rooftop solar energy systems and minimize barriers, obstacles, and costs of obtaining permits for their installation; and

**WHEREAS**, the Architectural and Site Control Committee considered the proposed small residential rooftop solar systems ordinance at a study session on July 27, 2015; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on the proposed small residential rooftop solar systems ordinance on August 5, 2015; and

**WHEREAS**, after due consideration of the proposed small residential rooftop solar systems ordinance, public comments, and the staff report, the Planning Commission found that the proposed ordinance is in conformity with the General Plan, and that public necessity, convenience and general welfare require adoption of the proposed ordinance; and

**WHEREAS**, the Planning Commission recommended that the Town Council adopt the proposed small residential rooftop solar systems ordinance; and

**WHEREAS**, on August 26, 2015, the Town Council held a duly noticed public hearing to carefully consider the proposed small residential rooftop solar systems ordinance, public comments, and the staff report and have determined to adopt the proposed ordinance for the public necessity, convenience and general welfare of the Town.

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

**SECTION 1. ADDITION OF CODE.** Chapter 15.21 [Small Residential Rooftop Solar Systems] is hereby added to Title 15 [Buildings and Construction] of the Town of Portola Valley Municipal Code to read in full as follows:

## CHAPTER 15.21 SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS

### 15.21.010 - Intent and Purpose.

### 15.21.020 - Definitions.

### 15.21.030 - Applicability.

### 15.21.040 - Solar energy system requirements.

### 15.21.050 - Duties of the Building Department and the Building Official.

### 15.21.060 - Expedited permit review and inspection requirements.

### 15.21.010 - Intent and Purpose.

The purpose of this Chapter is to adopt an expedited, streamlined solar permitting process that complies with the Solar Rights Act and AB 2188 (Chapter 521, Statutes 2014) to achieve timely and cost-effective installations of small residential rooftop solar energy systems. This Chapter is intended to encourage the use of solar systems by removing unreasonable barriers, minimize costs, and expand the ability of property owners to install solar energy systems. The Chapter allows the Town of Portola Valley to achieve these goals while protecting the public health and safety.

### 15.21.020 - Definitions.

- A. A “Solar Energy System” means either of the following:
  1. Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating.
  2. Any structural design feature of a building, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating.
- B. A “small residential rooftop solar energy system” means all of the following:
  1. A solar energy system that is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal.
  2. A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the Town of Portola Valley and all state and County health and safety standards.
  3. A solar energy system that is installed on a single or duplex family dwelling.
  4. A solar panel or module array that does not exceed the maximum legal building height as defined by the Town of Portola Valley.
- C. “Electronic submittal” means the utilization of one or more of the following:
  1. Email;
  2. The Internet;
  3. Facsimile.
- D. An “association” means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.
- E. A “common interest development” means any of the following:
  1. A community apartment project.
  2. A condominium project.
  3. A planned development.
  4. A stock cooperative.
- F. “Specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards,

policies, or conditions as they existed on the date the application was deemed complete.

- G. "Reasonable restrictions" on a solar energy system are those restrictions that do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance, or that allow for an alternative system of comparable cost, efficiency, and energy conservation benefits.
- H. "Restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance" means:
  1. For Water Heater Systems or Solar Swimming Pool Heating Systems: an amount exceeding 10 percent of the cost of the system, but in no case more than One Thousand Dollars (\$1,000), or decreasing the efficiency of the solar energy system by an amount exceeding 10 percent, as originally specified and proposed.
  2. For Photovoltaic Systems: an amount not to exceed One Thousand Dollars (\$1,000) over the system cost as originally specified and proposed, or a decrease in system efficiency of an amount exceeding 10 percent as originally specified and proposed.

#### **15.21.030 - Applicability.**

This Chapter applies to the permitting of all small residential rooftop solar energy systems in the Town of Portola Valley. Small residential rooftop solar energy systems legally established or permitted prior to the effective date of the Ordinance are not subject to the requirements of this Chapter unless physical modifications or alterations are undertaken that materially change the size, type, or components of a small rooftop energy system in such a way as to require new permitting. Routine operation and maintenance or like-kind replacements shall not require a permit.

#### **15.21.040 - Solar energy system requirements.**

- A. All solar energy systems shall meet applicable health and safety standards and requirements imposed by the state, county and local fire district.
- B. Solar energy systems for heating water in single-family residences and for heating water in commercial or swimming pool applications shall be certified by an accredited listing agency as defined by the California Plumbing and Mechanical Code.
- C. Solar energy systems for producing electricity shall meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

#### **15.21.050 - Duties of the Building Department and the Building Official.**

- A. All documents required for the submission of an expedited solar energy system application shall be made available on the publicly accessible website for the Town of Portola Valley.
- B. Electronic submittal of the required permit application and documents by [email, the Internet, or facsimile] shall be made available to all small residential rooftop solar energy system permit applicants.

- C. An applicant's electronic signature shall be accepted on all forms, applications, and other documents in lieu of a wet signature.
- D. The Town of Portola Valley's Building Department shall adopt a standard plan and checklist of all requirements with which small residential rooftop solar energy systems shall comply to be eligible for expedited review.
- E. The small residential rooftop solar system permit process, standard plan(s), and checklist(s) shall substantially conform to recommendations for expedited permitting, including the checklist and standard plans contained in the most current version of the *California Solar Permitting Guidebook* adopted by the Governor's Office of Planning and Research.
- F. All fees prescribed for the permitting of small residential rooftop solar energy system must comply with Government Code Section 65850.55, Government Code Section 66015, Government Code Section 66016, and State Health and Safety Code Section 17951.

**15.21.060 - Expedited permit review and inspection requirements.**

- A. The Town of Portola Valley Building Department shall adopt an administrative, nondiscretionary review process to expedite approval of small residential rooftop solar energy systems within 30 days of the adoption of this Ordinance.
- B. The Building Department shall issue a building permit or other nondiscretionary permit within three business days of receipt of a complete application including review by Woodside Fire Protection District if the application meets the requirements of the approved checklist and standard plan. If the application is deemed incomplete, the Building Department shall issue a written correction notice detailing all deficiencies in the application and any additional information required to be eligible for the expedited permit issuance.
- C. The building official may require an applicant to apply for a use permit if the official finds, based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety. The building official may deny an application for a use permit if the official makes written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact on the public health or safety and there is no feasible method to satisfactorily mitigate or avoid the adverse impact. Such findings shall include the basis for the rejection of any potential feasible alternative(s) for preventing the adverse impact. Any decision of the building official to deny the use permit may be appealed to the Town of Portola Valley Planning Commission.
- D. Any condition imposed on an application shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.
- E. "A feasible method to satisfactorily mitigate or avoid the specific, adverse impact" includes, but is not limited to, any cost-effective method, condition, or mitigation imposed by the Town of Portola Valley on another similarly situated application in a prior successful application for a permit. The Town of Portola Valley shall use its best efforts to ensure that the selected method, condition, or mitigation meets the conditions of subparagraphs (A) and (B) of paragraph (1) of subdivision (d) of



Section 714 of the Civil Code defining restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance.

- F. The Town shall not condition approval of an application on the approval of an association, as defined in Section 4080 of the Civil Code.
- G. Only one inspection shall be required and performed by the Building Department and one separate inspection is required by the Woodside Fire Protection District for small residential rooftop solar energy systems eligible for expedited review. If it is found that the installation does not conform to the approved plans and/or comply with the current California Building Code requirements then an additional, follow-up inspection shall be required.
- H. The inspection shall be done in a timely manner and should include consolidated inspections. An inspection will be scheduled within two business days of a request and provide a two to three hour inspection window.

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

**SECTION 3. ENVIRONMENTAL REVIEW.** The project is exempt from environmental review per the California Environmental Quality Act Guidelines under the General Rule, Section 15051(b)(3). The project involves additions to the Portola Valley Municipal Code that are consistent with California Law, specifically Government Code Section 65850.5 and Civil Code Section 714. It can be seen with certainty that the Ordinance will have no significant effect on the environment. In addition, Public Resources Code Section 21080.35 exempts the installation of solar energy systems on the roof of an existing building or at an existing parking lot from environmental review.

**SECTION 4. EFFECTIVE DATE; POSTING.** This Ordinance shall become effective 30 days after the date of its adoption and shall be posted within the Town of Portola Valley in three public places.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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

ATTEST:

APPROVED AS TO FORM:

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

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

RESOLUTION NO. 2015 - 8

RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF PORTOLA VALLEY RECOMMENDING APPROVAL OF AN ORDINANCE ADDING CHAPTER 15.21 [SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS] OF THE PORTOLA VALLEY MUNICIPAL CODE

WHEREAS, Government Code Section 65850.5(a) provides that it is the policy of the State that local agencies encourage the installation of solar energy systems by removing obstacles to, and minimizing the costs of, permitting such energy systems; and

WHEREAS, Government Code Section 65850.5(g) provides that cities must adopt an ordinance on or before September 30, 2015 that creates an expedited and streamlined permitting process for small residential rooftop solar energy systems; and

WHEREAS, the Town of Portola Valley ("Town") desires to comply with Government Code Section 65850.5, to encourage the installation of small residential rooftop solar energy systems and minimize barriers, obstacles, and costs of obtaining permits for their installation; and

WHEREAS, the proposed ordinance is in conformity with the General Plan, and that public necessity, convenience and general welfare require adoption of the proposed ordinance; and

WHEREAS, the Planning Commission held a duly noticed hearing on August 5, 2015 regarding the proposed ordinance; and

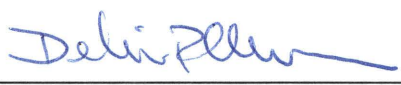
WHEREAS, the proposed ordinance is exempt from California Environmental Quality Act (CEQA) pursuant to Section 15051 (B)(3) of the CEQA Guidelines.

NOW, THEREFORE, be it resolved that the Planning Commission of the Town of Portola Valley does hereby recommend that the Town Council approve the proposed ordinance as set forth in Exhibit A.

PASSED AND ADOPTED at the regular meeting of the Planning Commission of the Town of Portola Valley on August 5, 2015.

- Ayes: Hasko, Targ, Von Feldt
- Noes:
- Absent: Gilbert, McKitterick
- Abstain:

By:   
Nicholas Targ, Chairperson

ATTEST:   
Debbie Pedro, Town Planner



# MEMORANDUM

## TOWN OF PORTOLA VALLEY

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**TO:** Planning Commission

**FROM:** Debbie Pedro, Town Planner

**DATE:** August 5, 2015

**RE:** Review of Proposed Ordinance Adding Chapter 15.21 to the Portola Valley Municipal Code to Establish Expedited Permitting Procedures for Small Residential Rooftop Solar Systems

### RECOMMENDATION

Staff recommends that the Planning Commission review the draft ordinance, make any modifications deemed necessary, and adopt the resolution in attachment 1 recommending that the Town Council adopt an ordinance adding Chapter 15.21 [Small Residential Rooftop Solar Systems] to Title 15 [Building and Construction] of the Portola Valley Municipal Code.

### BACKGROUND

Assembly Bill No. 2188 (Muratsuchi, 2014) requires local governments to adopt an ordinance that creates an expedited, streamlined permitting process for small rooftop solar system installations on or before September 30, 2015.

### DISCUSSION

The proposed ordinance is intended to comply with the requirements of Government Code section 6580.5 and provide an expedited plan submittal and review process for small rooftop solar systems. The Town will allow electronic submittal and review of plans, use a standard checklist to determine a project's eligibility for expedited review, and require only one inspection by the Town's Building Inspector, with an additional inspection by the Fire Department as appropriate

The ordinance applies to residential rooftop solar energy system that are:

- No larger than 10kW for photovoltaic or 30kW for thermal domestic hot water.
- In conformance with all applicable state fire, structural, electrical, and other building codes as adopted or amended by the Town of Portola Valley and all state and County health and safety standards.
- Installed on a single family or duplex dwelling.

- Solar panel or module array that does not exceed the maximum legal building height as defined by the Town of Portola Valley.

Staff does not anticipate any issues with implementing the requirements of AB2188. The Town's Building Department, by its current process, already expedites the review of solar applications. However, to satisfy the State requirement, the Town must adopt an ordinance as mandated by section 65850.5(g)(1) of the California Government Code.

On July 27, 2015, the ASCC reviewed the proposed ordinance and unanimously recommended approval of the ordinance as proposed. Additional background on the proposed ordinance and AB2188 is included in the ASCC staff report. (Attachment 3)

## **PUBLIC COMMENTS**

No written public comments have been received as of the writing of this report.

## **CEQA STATUS**

The proposed application is exempt from California Environmental Quality Act (CEQA) pursuant to Section 15061 (b)(3) of the CEQA Guidelines.

## **ATTACHMENTS**

1. Resolution
2. Draft Ordinance
3. ASCC staff report dated July 27, 2015
4. State Assembly Bill 2188
5. FAQ, Implementation of AB2188 Solar Permits and Inspections



# MEMORANDUM

## TOWN OF PORTOLA VALLEY

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**TO:** ASCC

**FROM:** Debbie Pedro, Town Planner

**DATE:** July 27, 2015

**RE:** Review of a Proposed Ordinance Establishing a Streamlined Permitting Process for Small Residential Rooftop Solar Systems

### RECOMMENDATION

Staff recommends that the ASCC review the attached draft ordinance, make any modifications deemed necessary, and forward a recommendation to the Planning Commission and Town Council to adopt an ordinance adding Chapter 21 to Title 15 (Building and Construction) of the Portola Valley Municipal Code to provide a streamlined permitting process for small residential rooftop solar systems.

### BACKGROUND

In September 2014, the California State Legislature passed Assembly Bill No. 2188 requiring local governments to adopt an ordinance that creates an expedited, streamlined permitting process for small rooftop solar system installations.

Section 65850.5(a) of the California Government Code states that the timely and cost-effective installation of solar energy systems is a matter of statewide concern and that it is the policy of the State to promote and encourage the use of solar energy systems and to limit obstacles to their use. Per AB2188, cities and counties must adopt an ordinance that expedite and streamline the building permit process for such systems on or before September 30, 2015.

The attached draft ordinance is intended to satisfy this requirement. The ordinance would allow for the acceptance and approval of applications electronically (fax, email, internet), require the adoption of a checklist of all requirements with which small rooftop solar energy systems shall comply to be eligible for expedited review, and authorize the Building Official or designee to administratively approve such applications.

Additional information about the requirements and implementation of AB2188 is included in Attachment 3.

## **DISCUSSION**

The ordinance would amend the Town's regulations by adding Chapter 15.21 (Small Residential Rooftop Solar Systems) to Title 15 (Building and Construction) of the Portola Valley Municipal Code. The ordinance provides an expedited plan submittal and review process for residential rooftop solar photovoltaic systems that are less than 10kW in size or solar thermal systems for domestic hot water that are less than 30kW in size. It promotes the acceptance of electronic submittal and review of plans, the use of a standard checklist by applicants and the Town, and require only one inspection by the Town's Building Inspector, with an additional inspection allowed by the Fire Department as appropriate.

Staff does not anticipate any issues with implementing the requirements of AB2188. The Town's Building Department, by its current process, already expedites the review of solar applications and no substantive change is needed in the Department's process in order to comply with AB2188. However, to satisfy the State requirement, the Town must adopt an ordinance as mandated by section 65850.5(g)(1) of the California Government Code.

## **CEQA Analysis**

The proposed ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15308 and 15061(b)(3) of the CEQA guidelines because it is an action taken by a regulatory agency for protection of the environment and there is no possibility that the activity in question may have a significant effect on the environment.

## **PUBLIC COMMENTS**

No written public comments have been received as of the writing of this report.

## **NEXT STEPS**

The Planning Commission is scheduled to review the proposed ordinance on August 19, 2015 and make recommendations to the Town Council for their consideration and introduction on September 9, 2015. The ordinance is tentatively scheduled for adoption by Council on September 23, 2015.

## **ATTACHMENTS**

1. Draft Ordinance
2. State Assembly Bill 2188
3. FAQ, Implementation of AB2188 Solar Permits and Inspections

up to 2,000 square feet and up 12' tall are proposed as ornamental garden structures in the setbacks.

Chair Ross said it would probably be clear to staff if an applicant was trying to present a project as an ornamental garden feature in order to bypass the permit process and encourages staff to bring projects that were pushing the envelope to the Commission for review.

Ms. Pedro said the discussion was helpful and thanked the Commission for their comments.

(e) **Review of a Proposed Ordinance Establishing a Streamlined Permitting Process for Small Residential Rooftop Solar Systems Pursuant to AB2188**

Town Planner Pedro explained that AB2188 requires all California cities and counties to adopt an ordinance to streamline the permitting process for small (less than 10 kilowatts) rooftop solar systems in order to incentivize and promote solar energy. Chair Ross pointed out that this ordinance essentially codifies a policy the Town has already followed for a long time. Architect Carter Warr asked if a resident leased their roof to a solar company, the solar company would be considered a stock cooperative and the actual applicant would be the solar company and not the homeowner. Ms. Pedro said the Town does not get into that level of detail and do not ask for information on who owns the panels.

Commissioner Clark moved to support the ordinance as proposed and recommend that it go to the Planning Commission. Seconded by Vice Chair Harrell; the motion carried 5-0.

(6) **COMMISSION AND STAFF REPORTS:**

Ms. Pedro reported that Commissioner Koch, Chair Clark, and Judith Murphy from the Conservation Committee will be reviewing the vegetation thinning and pruning work at the Jelich Ranch per the condition of approval for the barn project.

Ms. Borck reported that Chair Ross and Commissioner Breen reviewed and approved changes for 3 Grove and 250 Alamos.

Commissioner Clark reported that he will be moving to Ladera in September but will serve out his term on the ASCC through the beginning of next year.

(7) **APPROVAL OF MINUTES:** July 13, 2015. Commissioner Breen moved to approve the July 13, 2015, minutes as amended. Seconded by Vice Chair Harrell, the motion passed 3-0-2, with Commissioners Clark and Koch abstaining.

(8) **ADJOURNMENT** [9:00 p.m.]



**Assembly Bill No. 2188**

## CHAPTER 521

An act to amend Section 714 of the Civil Code, and to amend Section 65850.5 of the Government Code, relating to solar energy.

[Approved by Governor September 21, 2014. Filed with  
Secretary of State September 21, 2014.]

## LEGISLATIVE COUNSEL'S DIGEST

AB 2188, Muratsuchi. Solar energy: permits.

(1) Existing law provides that it is the policy of the state to promote and encourage the use of solar energy systems, as defined, and to limit obstacles to their use. Existing law states that the implementation of consistent statewide standards to achieve timely and cost-effective installation of solar energy systems is not a municipal affair, but is instead a matter of statewide concern. Existing law requires a city or county to administratively approve applications to install solar energy systems through the issuance of a building permit or similar nondiscretionary permit. Existing law requires a solar energy system for heating water to be certified by the Solar Rating Certification Corporation or another nationally recognized certification agency.

This bill would specify that these provisions address a statewide concern. The bill would additionally require a city, county, or city and county to adopt, on or before September 30, 2015, in consultation with specified public entities an ordinance that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems, as specified. The bill would additionally require a city, county, or city and county to inspect a small residential rooftop solar energy system eligible for expedited review in a timely manner, as specified. The bill would prohibit a city, county, or city and county from conditioning the approval of any solar energy system permit on approval of that system by an association that manages a common interest development. The bill would require a solar energy system for heating water in single family residences and solar collectors for heating water in commercial or swimming pool applications to be certified by an accredited listing agency, as defined.

Because the bill would impose new duties upon local governments and local agencies, it would impose a state-mandated local program.

(2) Existing law prohibits any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of, or any interest in, real property, and any provision of a governing document from effectively prohibiting or restricting the installation or use of a solar energy system. Existing law exempts from that prohibition provisions that impose reasonable restrictions on a solar energy

system that do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance. Existing law defines the term “significantly,” for these purposes, with regard to solar domestic water heating systems or solar swimming pool heating systems that comply with state and federal law, to mean an amount exceeding 20% of the cost of the system or decreasing the efficiency of the solar energy system by an amount exceeding 20%, and with regard to photovoltaic systems that comply with state and federal law, an amount not to exceed \$2,000 over the system cost or a decrease in system efficiency of an amount exceeding 20%, as specified. Existing law requires a solar energy system for heating water subject to the provisions described above to be certified by the Solar Rating Certification Corporation or another nationally recognized certification agency.

This bill would instead define the term “significantly,” for these purposes, with regard to solar domestic water heating systems or solar swimming pool heating systems that comply with state and federal law, to mean an amount exceeding 10% of the cost of the system, not to exceed \$1,000, or decreasing the efficiency of the solar energy system by an amount exceeding 10%, and with regard to photovoltaic systems that comply with state and federal law, an amount not to exceed \$1,000 over the system cost or a decrease in system efficiency of an amount exceeding 10%, as specified. The bill would require a solar energy system for heating water in single family residences and solar collectors for heating water in commercial or swimming pool applications subject to the provisions described above to be certified by an accredited listing agency, as defined.

(3) Existing law requires an application for approval for the installation or use of a solar energy system to be processed and approved by the appropriate approving entity in the same manner as an application for approval of an architectural modification to the property and prohibits the approver from willfully avoiding or delaying approval. Existing law requires the approving entity to notify the applicant in writing within 60 days of receipt of the application if the application is denied, as specified.

The bill would instead require the approving entity to notify the applicant in writing within 45 days of receipt of the application if the application is denied, as specified.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

*The people of the State of California do enact as follows:*

SECTION 1. The Legislature finds and declares all of the following:

(a) In recent years, the state has both encouraged the development of innovative distributed generation technology and prioritized the widespread

adoption of solar power as a renewable energy resource through programs such as the California Solar Initiative.

(b) Rooftop solar energy is a leading renewable energy technology that will help this state reach its energy and environmental goals.

(c) To reach the state's Million Solar Roofs goal, hundreds of thousands of additional rooftop solar energy systems will need to be deployed in the coming years.

(d) Various studies, including one by the Lawrence Berkeley National Laboratory, show that, despite the 1978 California Solar Rights Act, declaring that the "implementation of consistent statewide standards to achieve the timely and cost-effective installation of solar energy systems is not a municipal affair ... but is instead a matter of statewide concern," the permitting process governing the installation of rooftop solar energy systems varies widely across jurisdictions and, contrary to the intent of the law, is both an "obstacle" to the state's clean energy and greenhouse reduction goals and a "burdensome cost" to homeowners, businesses, schools, and public agencies.

(e) The United States Department of Energy, through its SunShot Initiative, has distributed millions of dollars in grants to local and state governments, including California jurisdictions, and nonprofit organizations to reduce the costs of distributed solar through streamlined and standardized permitting.

(f) A modernized and standardized permitting process for installations of small-scale solar distributed generation technology on residential rooftops will increase the deployment of solar distributed generation, help to expand access to lower income households, provide solar customers greater installation ease, improve the state's ability to reach its clean energy goals, and generate much needed jobs in the state, all while maintaining safety standards.

SEC. 2. Section 714 of the Civil Code is amended to read:

714. (a) Any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of, or any interest in, real property, and any provision of a governing document, as defined in Section 4150 or 6552, that effectively prohibits or restricts the installation or use of a solar energy system is void and unenforceable.

(b) This section does not apply to provisions that impose reasonable restrictions on solar energy systems. However, it is the policy of the state to promote and encourage the use of solar energy systems and to remove obstacles thereto. Accordingly, reasonable restrictions on a solar energy system are those restrictions that do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance, or that allow for an alternative system of comparable cost, efficiency, and energy conservation benefits.

(c) (1) A solar energy system shall meet applicable health and safety standards and requirements imposed by state and local permitting authorities, consistent with Section 65850.5 of the Government Code.

(2) Solar energy systems used for heating water in single family residences and solar collectors used for heating water in commercial or swimming pool applications shall be certified by an accredited listing agency as defined in the Plumbing and Mechanical Codes.

(3) A solar energy system for producing electricity shall also meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

(d) For the purposes of this section:

(1) (A) For solar domestic water heating systems or solar swimming pool heating systems that comply with state and federal law, “significantly” means an amount exceeding 10 percent of the cost of the system, but in no case more than one thousand dollars (\$1,000), or decreasing the efficiency of the solar energy system by an amount exceeding 10 percent, as originally specified and proposed.

(B) For photovoltaic systems that comply with state and federal law, “significantly” means an amount not to exceed one thousand dollars (\$1,000) over the system cost as originally specified and proposed, or a decrease in system efficiency of an amount exceeding 10 percent as originally specified and proposed.

(2) “Solar energy system” has the same meaning as defined in paragraphs (1) and (2) of subdivision (a) of Section 801.5.

(e) (1) Whenever approval is required for the installation or use of a solar energy system, the application for approval shall be processed and approved by the appropriate approving entity in the same manner as an application for approval of an architectural modification to the property, and shall not be willfully avoided or delayed.

(2) For an approving entity that is an association, as defined in Section 4080 or 6528, and that is not a public entity, both of the following shall apply:

(A) The approval or denial of an application shall be in writing.

(B) If an application is not denied in writing within 45 days from the date of receipt of the application, the application shall be deemed approved, unless that delay is the result of a reasonable request for additional information.

(f) Any entity, other than a public entity, that willfully violates this section shall be liable to the applicant or other party for actual damages occasioned thereby, and shall pay a civil penalty to the applicant or other party in an amount not to exceed one thousand dollars (\$1,000).

(g) In any action to enforce compliance with this section, the prevailing party shall be awarded reasonable attorney’s fees.

(h) (1) A public entity that fails to comply with this section may not receive funds from a state-sponsored grant or loan program for solar energy. A public entity shall certify its compliance with the requirements of this

section when applying for funds from a state-sponsored grant or loan program.

(2) A local public entity may not exempt residents in its jurisdiction from the requirements of this section.

SEC. 3. Section 65850.5 of the Government Code is amended to read:

65850.5. (a) The implementation of consistent statewide standards to achieve the timely and cost-effective installation of solar energy systems is not a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution, but is instead a matter of statewide concern. It is the intent of the Legislature that local agencies not adopt ordinances that create unreasonable barriers to the installation of solar energy systems, including, but not limited to, design review for aesthetic purposes, and not unreasonably restrict the ability of homeowners and agricultural and business concerns to install solar energy systems. It is the policy of the state to promote and encourage the use of solar energy systems and to limit obstacles to their use. It is the intent of the Legislature that local agencies comply not only with the language of this section, but also the legislative intent to encourage the installation of solar energy systems by removing obstacles to, and minimizing costs of, permitting for such systems.

(b) A city or county shall administratively approve applications to install solar energy systems through the issuance of a building permit or similar nondiscretionary permit. Review of the application to install a solar energy system shall be limited to the building official's review of whether it meets all health and safety requirements of local, state, and federal law. The requirements of local law shall be limited to those standards and regulations necessary to ensure that the solar energy system will not have a specific, adverse impact upon the public health or safety. However, if the building official of the city or county makes a finding, based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety, the city or county may require the applicant to apply for a use permit.

(c) A city, county, or city and county may not deny an application for a use permit to install a solar energy system unless it makes written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. The findings shall include the basis for the rejection of potential feasible alternatives of preventing the adverse impact.

(d) The decision of the building official pursuant to subdivisions (b) and (c) may be appealed to the planning commission of the city, county, or city and county.

(e) Any conditions imposed on an application to install a solar energy system shall be designed to mitigate the specific, adverse impact upon the public health and safety at the lowest cost possible.

(f) (1) A solar energy system shall meet applicable health and safety standards and requirements imposed by state and local permitting authorities.

(2) Solar energy systems for heating water in single family residences and solar collectors used for heating water in commercial or swimming pool applications shall be certified by an accredited listing agency as defined in the California Plumbing and Mechanical Codes.

(3) A solar energy system for producing electricity shall meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

(g) (1) On or before September 30, 2015, every city, county, or city and county, in consultation with the local fire department or district and the utility director, if the city, county, or city and county operates a utility, shall adopt an ordinance, consistent with the goals and intent of subdivision (a), that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems. In developing an expedited permitting process, the city, county, or city and county shall adopt a checklist of all requirements with which small rooftop solar energy systems shall comply to be eligible for expedited review. An application that satisfies the information requirements in the checklist, as determined by the city, county, and city and county, shall be deemed complete. Upon confirmation by the city, county, or city and county of the application and supporting documents being complete and meeting the requirements of the checklist, and consistent with the ordinance, a city, county, or city and county shall, consistent with subdivision (b), approve the application and issue all required permits or authorizations. Upon receipt of an incomplete application, a city, county, or city and county shall issue a written correction notice detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.

(2) The checklist and required permitting documentation shall be published on a publically accessible Internet Web site, if the city, county, or city and county has an Internet Web site, and the city, county, or city and county shall allow for electronic submittal of a permit application and associated documentation, and shall authorize the electronic signature on all forms, applications, and other documentation in lieu of a wet signature by an applicant. In developing the ordinance, the city, county, or city and county shall substantially conform its expedited, streamlined permitting process with the recommendations for expedited permitting, including the checklists and standard plans contained in the most current version of the California Solar Permitting Guidebook and adopted by the Governor's Office of Planning and Research. A city, county, or city and county may adopt an ordinance that modifies the checklists and standards found in the guidebook due to unique climactic, geological, seismological, or topographical conditions. If a city, county, or city and county determines that it is unable to authorize the acceptance of an electronic signature on all forms, applications, and other documents in lieu of a wet signature by an applicant, the city, county, or city and county shall state, in the ordinance

required under this subdivision, the reasons for its inability to accept electronic signatures and acceptance of an electronic signature shall not be required.

(h) For a small residential rooftop solar energy system eligible for expedited review, only one inspection shall be required, which shall be done in a timely manner and may include a consolidated inspection, except that a separate fire safety inspection may be performed in a city, county, or city and county that does not have an agreement with a local fire authority to conduct a fire safety inspection on behalf of the fire authority. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized, however the subsequent inspection need not conform to the requirements of this subdivision.

(i) A city, county, or city and county shall not condition approval for any solar energy system permit on the approval of a solar energy system by an association, as that term is defined in Section 4080 of the Civil Code.

(j) The following definitions apply to this section:

(1) “A feasible method to satisfactorily mitigate or avoid the specific, adverse impact” includes, but is not limited to, any cost-effective method, condition, or mitigation imposed by a city, county, or city and county on another similarly situated application in a prior successful application for a permit. A city, county, or city and county shall use its best efforts to ensure that the selected method, condition, or mitigation meets the conditions of subparagraphs (A) and (B) of paragraph (1) of subdivision (d) of Section 714 of the Civil Code.

(2) “Electronic submittal” means the utilization of one or more of the following:

- (A) Email.
- (B) The Internet.
- (C) Facsimile.

(3) “Small residential rooftop solar energy system” means all of the following:

(A) A solar energy system that is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal.

(B) A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the city, county, or city and county and paragraph (3) of subdivision (c) of Section 714 of the Civil Code.

(C) A solar energy system that is installed on a single or duplex family dwelling.

(D) A solar panel or module array that does not exceed the maximum legal building height as defined by the authority having jurisdiction.

(4) “Solar energy system” has the same meaning set forth in paragraphs (1) and (2) of subdivision (a) of Section 801.5 of the Civil Code.

(5) “Specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

O



## Frequently Asked Questions

### Implementation of AB 2188 (Muratsuchi)

### Solar Permits and Inspections

These FAQs are provided to assist cities with implementing [AB 2188](#), which amended portions of the [Solar Rights Act of 1978](#) and created new statutes requiring cities to streamline and expedite small residential rooftop solar energy systems. The FAQs are provided for informational purposes only and do not constitute legal advice. Each jurisdiction should consult with its city attorney to gain a complete understanding of AB 2188.

**1. Q: Are all cities required to develop an ordinance to streamline small residential rooftop solar energy system permitting and inspections?**

A: Yes. On or before September 30, 2015, every city, in consultation with the local fire department or district and the utility director, if the city operates a utility, must adopt an ordinance creating an expedited permitting process for small residential rooftop solar energy systems of 10 kilowatts or less.

**2. Q: What is a “small residential rooftop solar energy system”?**

A: A “small residential rooftop solar energy system” means all of the follow:

- Is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal;
- Conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the city, county, or city and county and [paragraph \(3\) of subdivision \(c\) of Section 714 of the Civil Code](#);
- Installed on a single or duplex family dwelling; and,
- The solar panel or module array that does not exceed the maximum legal building height as defined by the authority having jurisdiction.

**3. Q: What must be included in the ordinance?**

A: The ordinance must:

- Be consistent with the goals and intent of [Government Code Section 65850.5 \(a\)](#);
- Create an expedited, streamlined permitting process for small residential rooftop solar energy systems of 10 kilowatts or less; and,

- Substantially conform to the [California Solar Permitting Guidebook](#) adopted by the Governor’s Office of Planning and Research as it relates to the checklist and the expedited permitting process.

**4. Q: Are cities required to create a checklist as part of implementing the expedited permitting process?**

A: Yes. Cities are required to adopt a checklist of all requirements with which small residential rooftop solar energy systems shall comply to be eligible for expedited review.

**5. Q: Can a city adopt an ordinance that modifies the checklist or suggested streamlined permitting process as prescribed in the California Solar Permitting Guidebook adopted by the Governor's Office of Planning and Research?**

A: Yes. Cities may alter the checklist or deviate from the streamlining process as outlined in the California Solar Permitting Guidebook in order to account for unique local climatic, geological, seismological, or topographical conditions.

**6. Q: Are cities required to post the checklist and required permitting documents on its website?**

A: Yes. A city must post the checklist and required permitting documents on a publically available website unless the city does not have an Internet website.

**7. Q: How are cities required to accept the checklist and required permitting documents?**

A: Cities are required to allow for the electronic submittal of the permit application and all associated documents. “Electronic submittal” means the use of one or more of the following: email, the Internet, and facsimile.

**8. Q: Are cities required to accept an electronic signature, in lieu of a wet signature, on all forms, applications, and other documentation required for those eligible for expedited review?**

A: Yes. However, should a city determine it is unable to authorize the acceptance of an electronic signature on all forms, applications, and other documents in lieu of a wet signature by an applicant, it must state the reasons for its inability to accept electronic signatures in the city’s small residential rooftop solar energy expedited review process ordinance.

A city may also want to review [Government Code Section 16.5](#) and [California Code of Regulations, Title 2, Division 7, Chapter 10, starting with Section 22000](#), which pertain to digital signatures.

**9. Q: What constitutes a completed small residential rooftop solar permit application?**

A: An application is deemed complete if it satisfies the information requirements in the checklist, as determined by the city. A city must approve the application and issue all required permits or authorizations once it confirms that the application and supporting documents are complete and meet the requirements of the checklist, and is consistent with the ordinance.

**10. Q: What happens if a city receives an incomplete small residential rooftop solar permit application?**

A: The city must issue a written correction notice detailing all deficiencies in the application and identify any additional information required to be eligible for expedited permit issuance.

**11. Q: Are cities limited in the number of inspections they may require for small residential rooftop solar energy systems eligible for expedited review?**

A: Yes. In most cases a city may only perform one inspection. The inspection may include a consolidated inspection with multiple inspections occurring at the same time. In the event that a city does not have an agreement with a local fire authority to conduct a fire safety inspection on behalf of the fire authority, the fire authority may require a separate fire safety inspection.

If the applicant fails the inspection, a subsequent re-inspection may take place. However, the re-inspection process is not required to conform to the restrictions placed on the initial inspection.

**12. Q: Is there a specified timeline for completing the inspection?**

A: No. The inspection need only occur in a “timely manner.”

**13. Q: Can a city conditionally approve a solar energy system permit on the approval by a homeowners association or similar association?**

A: No. A city may not conditionally approve any solar energy system permit on the approval by an association, as defined by [Civil Code Section 4080](#).



# MEMORANDUM

## TOWN OF PORTOLA VALLEY

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

**FROM:** Sharon Hanlon, Town Clerk

**DATE:** August 26, 2015

**RE:** November 2015 Election

### RECOMMENDATION

That the Town Council adopts the attached Resolution cancelling the November 3, 2015 general municipal election and appoints the two individuals nominated for the two open seats to the Town Council or take no action and hold the election pursuant to Resolution No. 2667-2015.

### BACKGROUND

On June 24, 2015, the Town Council adopted Resolution No. 2667-2015 calling for a general municipal election on November 3, 2015, to elect two Town Council members. The deadline for filing nomination papers has expired and there are only two candidates for the two open seats on the Town Council, Ann Wengert and Jeff Aalfs.

Because there are two open seats on the Town Council and only two candidates who applied for the offices to be filled, and there is no other matter on the ballot, the Town Council pursuant to California Elections Code §10229 has the option to adopt one of the following courses of action:

- 1) Appoint to the office the person who has been nominated;
- 2) Appoint to the office any eligible elector if no one has been nominated; or
- 3) Hold the election, if either no one or only one person has been nominated.

Appointing the two candidates to fill the two Town Council seats allows the Town to cancel the November 3, 2015 election and saves the Town approximately \$5,000 in budgeted election costs.

A decision to cancel the election would preclude the opportunity for any write-in candidate to be nominated, but because of the cost saving, it is staff's recommendation that the election be cancelled.

Pursuant to Government Code §6061 a public notice must be published in a newspaper of general circulation that includes the fact of an uncontested election and describes the process options. This notice was published in the Almanac on August 19, 2015.

The Town Council may now make the appointments or direct the election to be held. If appointed, the person(s) appointed shall qualify and take office and serve exactly as if elected at a municipal election.

#### **ATTACHMENTS**

1. Resolution of the Town Council of the Town of Portola Valley cancelling the November 2015 general election and appointing the two nominees to fill the two vacancies on the Town Council
2. 'Notice of Options' ad regarding the Election published in the August 19 edition of the Almanac

**Approved:** Debbie Pedro, Acting Town Manager

**RESOLUTION NO. \_\_\_\_\_-2015**

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PORTOLA VALLEY  
CANCELLING THE NOVEMBER 2015 GENERAL ELECTION AND APPOINTING THE  
TWO NOMINEES TO FILL THE TWO VACANCIES ON THE TOWN COUNCIL**

**WHEREAS**, the Town Council of the Town of Portola Valley ("Town") approved Resolution No. 2667-2015 calling for a general municipal election on November 3, 2015; and

**WHEREAS**, there is no other item on the ballot other than the election of two (2) individuals to the Town Council; and

**WHEREAS**, the deadline for filing nomination papers to run for election has passed and only two (2) individuals, Ann Wengert and Jeff Aalfs, have been nominated for the two (2) open seats on the Town Council; and

**WHEREAS**, California Elections Code §10229 provides that if there is no other matter on the ballot and the number of persons nominated does not exceed the number of offices to be filled at the election, before the election, the Town Council may adopt one of the following courses of action: (1) appoint to the office the person who has been nominated; (2) appoint to the office any eligible elector if no one has been nominated; or (3) hold the election, if either no one or only one person has been nominated; and

**WHEREAS**, on August 19, 2015, notice that the Town Council would consider cancelling the general municipal election and appointing the Town Council members was published in a newspaper of general circulation.

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

1. The Town Council hereby cancels the general municipal election scheduled for November 3, 2015;
2. Town Council hereby appoints Ann Wengert and Jeff Aalfs to the office of Town Council member for a four (4) year term. Ann Wengert and Jeff Aalfs shall take office at the next Town Council meeting after the results of the general County election have been certified by San Mateo County.
3. The Town Council directs the Town election official to transmit a copy of this Resolution, which supersedes Resolution No. 2667-2015, to the County of San Mateo to inform them that the Town's election has been cancelled.

**PASSED AND ADOPTED** this 26th day of August, 2015.

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

ATTEST:

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

**TOWN OF PORTOLA VALLEY  
765 Portola Road  
Portola Valley, CA 94028**

**NOTICE OF OPTIONS REGARDING THE  
NOVEMBER 3, 2015 ELECTION**

NOTICE IS HEREBY GIVEN that because the number of persons running for Town Council does not exceed the number of offices to be filled at the general election scheduled for November 3, 2015, and there is no other matter on the ballot, the Town Council of the Town of Portola Valley pursuant to California Elections Code § 10229 has the option at a regular or special meeting before the election to adopt one of the following courses of action: (1) appoint to the office the person who has been nominated; (2) appoint to the office any eligible elector if no one has been nominated; or (3) hold the election.

The Town Council of the Town of Portola Valley will consider these courses of action during the regularly scheduled August 26, 2015 Town Council meeting and will either make the appointment(s) or direct the election to be held. If appointed, the person(s) appointed shall qualify and take office and serve exactly as if elected at a municipal election.

Sharon Hanlon  
Clerk of the Town of Portola Valley

August 13, 2015

#12

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



## **TOWN COUNCIL WEEKLY DIGEST**

**Friday – August 14, 2015**

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1. Agenda (Action) – Town Council – Wednesday, August 12, 2015
2. Agenda (Special) – Water Conservation Committee – Wednesday, August 19, 2015
3. Agenda (Cancelled) – Planning Commission – Wednesday, August 19, 2015
4. Notice to Residents from Public Works Director Young re: Alpine Road Shoulder Widening Project
5. Thank you note from Adeline Jessup to the Town Council re: Recipient of the Portola Valley Environmental Champion for 2015
6. Report from San Mateo County Sheriff's Office – Incident Log for 07/28/15 – 08/07/15

**Attached Separates (Council Only)**  
*(placed in your town hall mailbox)*

1. None



# TOWN OF PORTOLA VALLEY

7:00 PM – Regular Meeting of the Town Council

Wednesday, August 12, 2015

Historic Schoolhouse

765 Portola Road, Portola Valley, CA 94028

## ACTION AGENDA

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

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

**Councilmember Hughes – Absent**

### 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.

None

### CONSENT AGENDA

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

1. **Approval of Minutes** – Regular Town Council Meeting of July 22, 2015
2. **Approval of Warrant List** – August 12, 2015
3. **Recommendation by Administrative Services Manager** – Fiscal Year Ending 06/30/14 Interfund Transfers and Budget Amendments
4. **Recommendation by Acting Town Manager** – Response to Grand Jury Report dated June 4, 2015  
“Flooding Ahead: Planning for Sea Level Rise”
5. **Recommendation by Acting Town Manager** – Amendment to Farmers’ Market License Agreement between the Town of Portola Valley and Maggie Foard and Amendment to Limited Use Parking Agreement between the Town of Portola Valley and Christ Episcopal Church to extend the term
  - (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Approving and Authorizing Execution of an Amendment to Farmers’ Market License Agreement (Resolution No. 2670-2015)
  - (b) Adoption of a Resolution of the Town Council of the Town of Portola Valley Approving and Authorizing Execution of a Second Amendment to Limited Use Parking Agreement (Resolution No. 2671-2015)

**Items 1 – 5 Approved 4-0-1**

### REGULAR AGENDA

6. **PRESENTATIONS** – None

**COMMITTEE REPORTS & REQUESTS** – None to Report

**STAFF REPORTS AND RECOMMENDATIONS** – None to Report

7. **COUNCIL LIAISON COMMITTEE AND REGIONAL AGENCIES REPORTS** - Town Council members provide a brief announcement or report on items of significance for the entire Town Council arising out of their liaison appointments to both in-town and regional committees and initiatives. *There are no written materials and the Town Council does not take action under this agenda item.*

**Councilmember Richards – None**

**Councilmember Wengert – None**

**Vice Mayor Derwin –**

Attended the July Council of Cities dinner meeting in Foster City.

Planning Commission held on August 5<sup>th</sup> 1) Preliminary review of proposed amendment to the CUP for the new classroom building at The Priory; 2) Held a public hearing on amendments to the 2<sup>nd</sup> Unit Ordinance; 3) Held a public hearing on proposed ordinance to establish streamline permitting procedures for small residential solar rooftop; and 4) Heard a request from San Mateo County on the remainder parcel within Blue Oaks Subdivision regarding Los Trancos Water District dissolving, ask the Town ensure it conforms to the General Plan.

Attended a newly formed Ad-Hoc C/CAG Water Committee meeting that reviewed the Grand Jury Report on Planning for Sea Level Rise.

Mayor Aalfs, Vice Mayor Derwin and Planning Director Pedro attended the August 7<sup>th</sup> CalWater meeting in Menlo Park.

**Mayor Aalfs –**

Spoke at the Portola Valley / Woodside Rotary Club meeting.

**WRITTEN COMMUNICATIONS**

8. Town Council Digest – July 24, 2015

Mayor Aalfs pulled item #11 – Council requested further information and to agenda at a near future meeting.

9. Town Council Digest – July 31, 2015

10. Town Council Digest – August 7, 2015

**ADJOURN TO CLOSED SESSION 7:18 PM**

11. Public Employee Discipline, Dismissal or Release

Government Code Section 54957

**REPORT OUT OF CLOSED SESSION** – After significant deliberation, on Wednesday August 12, 2015, at the request of Nick Pegueros, the Portola Valley Town Council requested the involuntary resignation of the Town Manager and the Manager resigned, effective immediately.

**ADJOURNMENT: 8:20 PM**

**ASSISTANCE FOR PEOPLE WITH DISABILITIES**

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

**AVAILABILITY OF INFORMATION**

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

**SUBMITTAL OF AGENDA ITEMS**

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

**PUBLIC HEARINGS**

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



**TOWN OF PORTOLA VALLEY**  
**Special Water Conservation Committee Meeting**  
**Wednesday, August 19, 2015 2:00 to 4:00 PM**  
**Town Hall, Conference Room**  
**765 Portola Road, Portola Valley, CA 94028**

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**AGENDA**

- 1. Call To Order**
- 2. Oral Communications**
- 3. Approval of minutes – July 22, 2015**
- 4. Review status of water survey tool**
  - a. Response from residents**
  - b. Any remaining activities to promote the tool**
- 5. Discuss outreach efforts**
- 6. Review of Bear Gulch Water District Meeting with Cal Water**
- 7. Review PV July aggregate water consumption results**
- 8. Vote on award for Top 3 Water Conservers**
- 9. Discuss plan for next area of focus (lawn watering reduction)**
- 10. Update on status of WELO ordinance**
- 11. Announcements**
- 12. Set Date and Topics for next meeting**
- 13. Adjournment**

*Delle to act as Secretary for this meeting*



# MEMORANDUM

## TOWN OF PORTOLA VALLEY

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**TO:** Planning Commission

**FROM:** CheyAnne Brown, Planning Technician

**DATE:** August 14, 2015

**RE:** Cancellation of Planning Commission Meeting

The regular meeting of the Planning Commission scheduled for Wednesday, August 19, 2015 has been canceled. The next regular meeting of the Planning Commission is scheduled for Wednesday, September 2, 2015 at 7:00 p.m.

cc: Town Manager  
Town Council  
Town Planner  
The Almanac

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This Notice is posted in compliance with Section 54955 of the Government Code of the State of California.

Date: August 14, 2015

CheyAnne Brown  
Planning Technician

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# TOWN of PORTOLA VALLEY

Town Hall: 765 Portola Road, Portola Valley, CA 94028 - Tel: (650) 851-1700 Fax: (650) 851-4677

August 10, 2015

Re: Notice of Alpine Road Shoulder Widening Project  
Location: Alpine Road at Arastradero Road  
August 12, 2015 – October 15, 2015

Dear Property Owner:

The purpose of this letter is to notify you that the Town of Portola Valley will be performing a road shoulder widening project on a short 480' stretch of Alpine Road just across from Arastradero Road. The purpose of the project is to widen the existing narrow road shoulder from its existing 2'-3' width to 6' wide to improve travel conditions for bicyclists and pedestrians traveling westbound on Alpine Road. To widening the road shoulder, the project will include drilling and installing piers for a new 4' high x 480' long wood retaining wall along the northern uphill roadside of Alpine Road. Work is scheduled to take place between the dates listed above, weather permitting.

This project was approved by the Towns Bicycle, Pedestrian Traffic Safety Committee and reviewed by the Architectural Site Control Commission (ASCC). The majority of this project is funded by the San Mateo Transportation Authority as part of a competitive regional grant to the Town.

We are aware there will be residents who will be inconvenienced by this work and we ask for your advanced planning, cooperation, and understanding. Please expect and plan for traffic delays when traveling through the construction area of Alpine and Arastradero Roads. This project will result in a retaining wall structure and bank protection that will help mitigate potential erosion onto the roadway and provide a 6' wide shoulder for travel and landscaping. It is our intention to complete this work prior to the rainy season which is typically October 15, 2015.

Additional information and updated project schedules will be available in the upcoming weeks on the Towns website at <http://www.portolavalley.net> under information for residents, Public Works projects. If you have any questions about the project, please call 650-851-1700 x 214 or [hyoung@portolavalley.net](mailto:hyoung@portolavalley.net). During construction activities, the Towns inspector Tom Anderson can be reached at 831-915-3395.

Sincerely,

Howard Young  
Public Works Director

Dear Portola Valley Town Council Members,  
 I am honored to be chosen as the  
 Portola Valley Environmental Champion  
 of 2015. Thank you for choosing  
 me. I have loved living in  
 Portola Valley since 1950 and have  
 always tried to be kind and gentle  
 to all the living things within its  
 bounds. (except rats!)

Sincerely, Ad Feasp  
 and Joan Fraay  
 (daughter)

and Thanks  
 for all you do  
 for our town -  
 Big Jobs!





# SHERIFF'S OFFICE

A TRADITION OF SERVICE SINCE 1856

## San Mateo County Sheriff's Office (Headquarters Patrol) Press

Information on selected incidents and arrests are taken from initial Sheriff's Office case reports. Not all incidents are listed due to investigative restrictions and victim privacy rights.

**Tuesday 07/28/15 to Friday 08/07/15**

Greg Munks  
Sheriff

CASE NUMBER	DATE & TIME Reported	LOCATION	DESCRIPTION	FACTUAL CIRCUMSTANCES
15-6975	07/29/15 6:52PM	100 Blk. Stonegate Rd. Portola Valley	General Information Case	A deputy was speaking with a resident when he heard two gunshots in the area. The gunshots appeared to be from a small caliber firearm. At no time prior, during, or after did the deputy hear any signs of distress. The deputy checked several nearby residences and the area with negative results.
15-6992	07/30/15 7:26AM	500 Blk. Stanford Ave. North Fair Oaks	Stolen Vehicle	County Communications advised deputies of a vehicle theft that had taken place sometime overnight. Upon arrival, deputies met with the reporting party, who is the primary driver of the vehicle, and the victim, who is the registered owner of the vehicle. The R/P told deputies he drove the vehicle early on the morning of 07/30/2015 and parked it on Stanford Avenue. The R/P said that later in the day he went to move the vehicle and it was gone. A neighborhood check for the vehicle was met with negative results.



15-6998	07/30/15 10:36AM	700 Blk. 7 <sup>th</sup> Ave. North Fair Oaks	Attempted Burglary	Reporting party stated he saw a small red 2-door Acura waiting in front of the 700 Blk. of 7th Avenue with a female inside, and a second female run from between those residences, get into the waiting Acura and speed off. Deputies determined, based upon witness statements, that an attempted residential burglary had taken place. County Comm. put out a countywide "be on the lookout" (BOLO) for the red Acura. The vehicle was spotted by East Palo Alto Police and the occupants were contacted. Deputies responded to the scene to assist with the investigation. It was determined that the individuals were the same individuals responsible for the attempted residential burglary at 782 7th Avenue, North Fair Oaks, as well as at least one other residential burglary and were in possession of items stolen in that burglary (reference the East Palo Alto Police Department case and Redwood City Police Department case for specifics).
15-7028	07/31/15 1:21AM	2600 State Highway 82 North Fair Oaks	Armed w/a Deadly Weapon	William Pittman from American Canyon and Kevin Gaeden from Vallejo were arrested for a violation of assault with a deadly weapon other than a firearm when they kicked and punched the victim. Pittman and Gaeden were transported and booked into the Maguire Correctional Facility.
15-7053	07/31/15 4:27PM	3000 Blk. El Camino Real North Fair Oaks	Burglary	Unknown suspect(s) smashed the window of the victim's vehicle and took personal property. The vehicle was parked facing northbound in the parking lot of K&L Liquor. The estimated loss is \$1,750.00. There is no suspect information at this time.
15-7057	07/31/15 6:56PM	3000 Blk. State Highway 84 Woodside	Burglary	Unknown suspect(s) smashed the right rear passenger side window of the victim's vehicle. The unknown suspect(s) stole the victim's briefcase. The brief case contained multiple business documents, and personal documents. The deputy

				searched the area in an effort to locate any possible witnesses or property with negative results. The estimated loss at this time is \$600.00.
15-7079	08/01/15 10:09AM	3000 Blk. Woodside Rd. Woodside	Grand Theft	Victim advised deputy that he had arrived at Woodside Bakery at approximately 0900 hours. He parked his Trek Madone bicycle on the west side of the building, without a bicycle lock. He was in the bakery for approximately 40 minutes. When he returned to where he left his bicycle, he discovered it was gone. Approximately 5 feet from where he left his bicycle, he found his helmet in the bushes and his head scarf on the concrete path. Victim contacted the security on scene and advised them of the theft. They searched the area for the bicycle with negative results. Victim provided the serial number (WTU157T184D) to the bicycle as well as several photos. There was a black pouch mounted to the rear of the seat (it contained victim's old driver's license and his house key). A Garmin GPs unit was mounted to the front of the bicycle.
15-7102	08/02/15 9:31AM	4400 Blk. Woodside Rd. Woodside	Vandalism	The Reporting Party stated that he was involved in a road rage incident with another male on a motorcycle. After the incident, he went into Robert's Market and the male on the motorcycle was seen by others breaking the R/P's side view mirror on his vehicle. The R/P advised the deputy that there were two witnesses. There is no suspect at this time.
15-7115	08/02/15 7:55	5 <sup>th</sup> Ave. / Waverly Ave. North Fair Oaks	Warrant Arrest	Suspect Orlando Molina from East Palo Alto was contacted as a passenger of a vehicle stopped for a California Vehicle Code violation. A check through County Communications revealed he had two outstanding warrants for his arrest. Molina was placed under arrest for having a warrant in the amount of \$5,000 out of Redwood City Police Department and the second warrant was a no bail out of California Department of

				Corrections and Rehabilitation. Molina was transported and booked into the Maguire Correctional Facility

## **TOWN COUNCIL WEEKLY DIGEST**

**Friday – August 21, 2015**

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1. Agenda (Cancelled) – ASCC – Monday, August 24, 2015
2. Agenda – Conservation Committee – Tuesday, August 25, 2015
3. Year End Financial Report – June 2015
4. Monthly Meeting Schedule – September 2015
5. Notice of Closure – Town Hall, Monday, September 7, 2015 in observance of Labor Day
6. Request from Portola Valley Garden Club re: Use of the Historic Schoolhouse
7. Report from San Mateo County Sheriff's Office – Incident Log for 08/03/15 – 08/13/15
8. Invitation to Town Council re: 12<sup>th</sup> Biennial State of the San Francisco Estuary Conference

**Attached Separates (Council Only)**  
*(placed in your town hall mailbox)*

1. None



**TOWN OF PORTOLA VALLEY**  
**ARCHITECTURAL AND SITE CONTROL COMMISSION (ASCC)**  
**Monday, August 24, 2015**  
**7:00 PM – Regular ASCC Meeting**  
**Historic Schoolhouse**  
**765 Portola Road, Portola Valley, CA 94028**

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## **NOTICE OF MEETING CANCELLATION**

### **ARCHITECTURAL SITE AND CONTROL COMMISSION MEETING REGULARLY SCHEDULED FOR Monday, August 24, 2015**

Notice is hereby given that the Town of Portola Valley Architectural Site and Control Commission meeting regularly scheduled for Monday, August 24, 2015, has been canceled.

The next regular meeting of the Architectural Site and Control Commission is scheduled for Monday, September 14, 2015 at 7:00 PM, in the Historic Schoolhouse, located at 765 Portola Road, Portola Valley, CA.



**TOWN OF PORTOLA VALLEY**  
**Conservation Committee Meeting**  
**Tuesday, August 25, 2015 – 7:30 pm**  
**Historic Schoolhouse**  
**765 Portola Road, Portola Valley, CA**

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**AGENDA**

1. Call Meeting to Order
2. Oral Communications
3. Approval of July 28, 2015 minutes
4. A. Site Permits:
  - New -**
  - Revised -**
- B. Tree Permits
5. Old Business
  - A. BYH - deStaebler
  - B. Tip of the month – Eastman
  - C. Guide to Town Center plantings - Chiariello
  - D. Letter to Nurseries – Plunder/Murphy
  - E. List of local Native Plant nurseries – Heiple/Plunder
  - F. Monarch Waystations
  - G. Local Native seed collection
  - H. Committee cooperation – Howard
    1. Seeds ordering now – where?
    2. Leave which volunteers? Weeds vs. natives?
    3. Deadhead? If and when
    4. Thin coyote brush at CM school/frog pond border
    5. Morning meeting?
  - I. Our website – improve, add links (H2O Conservation)
  - J. Broom Pull advance planning
  - K. Weed seedling info sheet - Heiple
6. New Business
  - A. Fire danger – POST response?
  - B. Library project
  - C. Photo resource of local drought resistant landscapes
  - D. Olive trees
  - E. Lower shady trail creek bed
7. Announcements
8. Action Plan
9. Adjournment



## MONTH END FINANCIAL REPORT FOR THE MONTH OF: June 2015

<b>C A S H</b>	Bank of America	\$	136,734.54	
	Local Agency Investment Fund (0.299%)	\$	12,727,782.67	
	<b>Total Cash</b>		<b>\$</b>	<b>12,864,517.21</b>
<b>F U N D S</b>	05 General Fund	\$3,653,189.09		<i>General Fund Assignments:</i>
	08 Grants	4,746.73		<i>Capital Replacement</i>
	10 Safety Tax	3,217.24		<i>Unfunded Pension</i>
	15 Open Space	4,568,400.07		<i>Equipment Replacement</i>
	20 Gas Tax	49,523.09		<i>Unfunded OPEB</i>
	22 Measure M	(8,701.00)		<i>Legal Fee Contingency</i>
	25 Library Fund	399,777.14		<i>UNASSIGNED BALANCE</i>
	30 Public Safety/COPS	(6,855.23)		<i>* General Fund Total</i>
	40 Park in Lieu	6,272.15		
	45 Inclusion In Lieu	2,886,725.01		
	50 Storm Damage	(144,596.03)		
	60 Measure A	235,752.12		
	65 Road Fees	41,169.48		
	75 Crescent M.D.	101,664.58		
	80 PVR M.D.	14,387.51		
	85 Wayside I M.D.	5,766.09		
	86 Wayside II M.D.	39,616.14		
	90 Woodside Highlands M.D.	193,335.00		
	95 Arrowhead Meadows M.D.	(1,799.67)		
	96 Customer Deposits	822,927.70		
		<b>Total Fund Balance</b>		<b>\$</b>
<b>A C T I V I T Y  R E C A P</b>	Beginning Cash Balance:	\$	13,580,662.36	
	Revenues for Month:		780,697.89	
	<b>Total Revenues for Month:</b>		<b>780,697.89</b>	
	Warrant List 6/10/15	(1,245,311.26)		
	Warrant List 6/24/15	(118,853.82)		
	Payroll	(130,199.53)		
	<b>Total Expenses for Month:</b>	<b>(1,494,364.61)</b>		
<b>Total JE's and Void Checks:</b>	<b>(2,478.43)</b>			
	<b>Ending Cash Balance</b>		<b>\$</b>	<b>12,864,517.21</b>

\*NOTE: Per Adopted Budget 2014-15,  
General Fund total fund balance for  
6/30/15 is projected at \$4.6 million.

### FISCAL HEALTH SUMMARY:

Unreserved/Spendable Percentage of General Fund (Adopted Policy is 60%)	78.54%
<i>Calculated at current GF fund balance less non-spendable funds, divided by current year budgeted operating expenditures.</i>	
Days of Running Liquidity of Spendable General Fund	337
<i>GASB recommends no less than 90 days</i>	

NOTE: General Fund assigned fund balances were approved by the Town Council on January 24, 2014. The unassigned fund balance is on the cash basis and does not include the adopted budget surplus/deficit for the fiscal year or accrued liabilities such as accounts payable or compensated absences, which are typically only accrued on June 30th of each fiscal year. This report is complete as of the last business day of the month for which it was issued. If new information arises for this or prior periods, these monthly reports will not be updated but the adjustment will be reflected in

# Town of Portola Valley

Town Hall: 765 Portola Road, Portola Valley, CA 94028 Tel: (650) 851-1700 Fax: (650) 851-4677

## **SEPTEMBER 2015 MEETING SCHEDULE**

Note: **Unless otherwise noted below and on the agenda, all meetings take place in the Historic Schoolhouse**, located at 765 Portola Road, Portola Valley, CA

**TOWN COUNCIL – 7:00 PM** (Meets 2<sup>nd</sup> & 4<sup>th</sup> Wednesdays)

Wednesday, September 9, 2015

Wednesday, September 23, 2015

**PLANNING COMMISSION – 7:00 PM** (Meets 1<sup>st</sup> & 3<sup>rd</sup> Wednesdays)

Council Liaison – Maryann Derwin (for months July, August, September)

Wednesday, September 2, 2015

Wednesday, September 16, 2015

**ARCHITECTURAL & SITE CONTROL COMMISSION - 7:00 PM** (Meets 2<sup>nd</sup> & 4<sup>th</sup> Mondays)

Council Liaison – John Richards (for months July, August, September)

Monday, September 14, 2015

Monday, September 28, 2015

**BICYCLE, PEDESTRIAN & TRAFFIC SAFETY COMMITTEE – 8:15 AM** (Meets 1<sup>st</sup> Wednesday of every month)

Council Liaison – Craig Hughes

Wednesday, September 2, 2015

**CABLE & UTILITIES UNDERGROUNDING COMMITTEE – 8:15 AM** (Meets 2<sup>nd</sup> Thursday) alternate odd numbered months

Council Liaison – Craig Hughes

Thursday, September 10, 2015

**CONSERVATION COMMITTEE – 7:45 PM** (Meets 4<sup>th</sup> Tuesday)

Council Liaison – John Richards

Tuesday, September 22, 2015

**CULTURAL ARTS COMMITTEE** – (Meets 2<sup>nd</sup> Thursday of every month)

Council Liaison – John Richards

Thursday, September 10, 2015

**EMERGENCY PREPAREDNESS COMMITTEE – 8:00 AM** (Meets 2<sup>nd</sup> Thursday) in the EOC /

Conference Room at Town Hall

Council Liaison – John Richards

Thursday, September 10, 2015



FINANCE COMMITTEE

Council Liaison – Ann Wengert  
Tuesday, September 15, 2015

GEOLOGIC SAFETY COMMITTEE – 7:30 PM

Council Liaison – Jeff Aalfs  
As announced

HISTORIC RESOURCES COMMITTEE

Council Liaison – Jeff Aalfs  
As announced

NATURE AND SCIENCE COMMITTEE – 4:00 PM (Meets 2<sup>nd</sup> Thursday) alternate even numbered months

Council Liaison – Craig Hughes

OPEN SPACE ACQUISITION ADVISORY COMMITTEE

Council Liaison – Craig Hughes  
As announced

PARKS & RECREATION COMMITTEE – 7:30 PM (Meets 1st Monday)

Council Liaison – Craig Hughes  
Monday, September 7, 2015 - **CANCELLED**

PUBLIC WORKS COMMITTEE

Council Liaison – Jeff Aalfs  
As announced

SUSTAINABILITY COMMITTEE – 3:30 PM (Meets 3<sup>rd</sup> Monday)

Council Liaison – Ann Wengert  
As announced

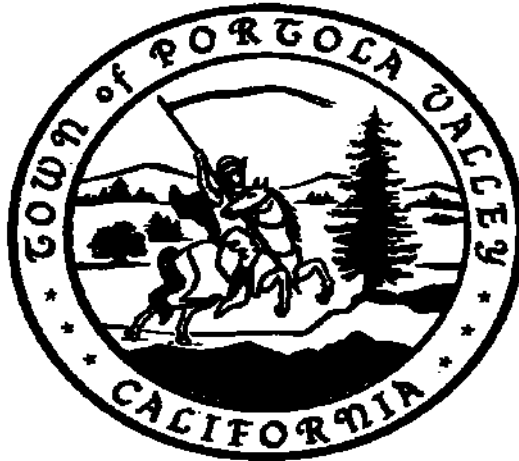
TRAILS & PATHS COMMITTEE – 8:15 AM (2<sup>nd</sup> Tuesday of each month, or as needed)

Council Liaison – Ann Wengert  
Tuesday, September 8, 2015 – 8:15 AM

WATER CONSERVATION COMMITTEE – 3:00 PM (first Wednesday of each month)

Council Liaison – Maryann Derwin  
Wednesday, September 2, 2015

# **PORTOLA VALLEY TOWN HALL**



## **WILL BE CLOSED**

**Monday,  
September 7, 2015**

### **In observance of Labor Day**

**In Case of Emergency: Sheriff's Office: 911**

## Sharon Hanlon

---

-----Original Message-----

From: Danna Breen [<mailto:pvlily@aol.com>]  
Sent: Wednesday, August 19, 2015 2:22 PM  
To: Sharon Hanlon  
Subject: Dear Honorable Town Council,

The Portola Valley garden club would like to use the schoolhouse for our meeting in October on the 15th. We are Cohosting Judith Lerner Lowry with the Woodside garden club. We think the venue is intimate and perfect. Also it enables her to sell her books which would be lovely since she is driving many hours to talk to us. She is a restoration ecologist who is famous for writing books and having a California native seed company, we think the community hall is too big and our normal home, the Buckeye room is too small and the schoolhouse is just perfect.  
Thank you, Danna Breen president PV Garden club.

Danna Breen



# SHERIFF'S OFFICE

A TRADITION OF SERVICE SINCE 1856

## San Mateo County Sheriff's Office (Headquarters Patrol) Press

Information on selected incidents and arrests are taken from initial Sheriff's Office case reports. Not all incidents are listed due to investigative restrictions and victim privacy rights.

Monday 08/03/15 Sunday 08/13/15

Greg Munks

Sheriff

CASE NUMBER	DATE & TIME Reported	LOCATION	DESCRIPTION	FACTUAL CIRCUMSTANCES
15-7122	08/03/15 12:50AM	5 <sup>th</sup> Ave. / Middlefield Rd. North Fair Oaks	-Possession of a Dangerous Weapon -Driver w/ Suspended License	Jadymaire Guzman from Redwood City was contacted as a driver during a traffic stop in the area of Middlefield Road and 5 <sup>th</sup> Avenue. A records check of Guzman revealed her to be on Court Probation out of Alameda County with terms Search and Seizure. The records check also revealed Guzman's driver's license status as suspended. A probation search of Guzman's vehicle revealed a lipstick case knife on the driver's seat. Guzman admitted to possession of the knife and knew her license was suspended. Guzman was arrested, transported, and booked into the Maguire Correctional Facility for possession of a lipstick case knife, and driving with a suspended license.

15-7141	08/03/15 3:19PM	2700 Blk. Marlborough Ave. North Fair Oaks	Assault w/ Deadly Weapon -Terrorist Threats	Deputies were dispatched to Marlborough Ave. to a report of two males physically fighting in front of a residence. While enroute to the call, County Communications advised that one of the suspects was armed with a knife. The suspect was gone on arrival, but was later located on Berkshire Ave. by responding deputies. Gonzalo Ortiz from Redwood City was arrested for Assault w/ a Deadly Weapon, Brandishing, and Terrorist Threats. Ortiz was transported and booked into the San Mateo County Jail.
15-7232	08/06/15 2:03PM	100 Blk. Hardwick Rd. Woodside	Personate to Get Money	The Reporting Party stated that an unauthorized subject had been accessing a credit line that was established by the R/P at Roberts Market and making unauthorized purchases at the store. The R/P advised me that she contacted Roberts Market regarding suspicious activity on her account. The R/P, with the assistance of Roberts Market was able to locate several unauthorized purchases made on the account, primarily in the month of June, 2015. With the assistance of Roberts Market surveillance footage of a Hispanic female and Hispanic male were captured utilizing the R/P's account to purchase goods from Roberts Market. The R/P was able to gain a possible identification of the female suspect. A records check, via County Communications provided the deputy with a California Driver License, as well as, a possible address for the suspect. The deputy attempted to make contact with the suspect at the address, however the suspect has moved and her whereabouts are unknown at this time.
15-7308	08/08/15 1:36AM	100 Blk. Ranch Rd. Woodside	-Exhibit Firearm -Assault and Battery -Attempted Robbery -Assault w/ Firearm	Victim #1 and his 3 friends went to a house party, where his 3 friends were involved in a fight with 3 to 5 suspects. When Victim #1 was walking to his car one of the suspects stopped him and pointed a gun at him. The suspect checked the victim's pockets by patting him down. The victim and his

				friends ran to their cars and left the party. They drove down to Canada Road/Glenwood Avenue in Woodside to report the crime. There are no suspects identified at this point in time and the resident of the house party has been uncooperative. The victims had minor injuries from the fight but refused medical care.
15-7318	08/08/15 11:20AM	400 Blk. Whiskey Hill Rd. Woodside	Traffic Accident	Driver #1 was riding her bicycle N/B on Whiskey Hill Road when the front tire of her bicycle either struck a clump of raised, dried asphalt that was attached to the roadway between the white line and the edge of the paved roadway, or she tried to avoid the same obstacle. As a result, the driver lost control of her bike and it flipped forward and she was ejected. The driver sustained abrasions to her face and body and although she was wearing a helmet, she struck her head. She was transported to Stanford Hospital for treatment.
15-7343	08/09/15 4:51AM	2800 Blk. Marlborough Ave. North Fair Oaks	Stolen Vehicle	The victim's blue 2010 Ford Focus, was stolen from a car port at on Marlborough Avenue. The suspect drove a red Mitsubishi into the carport and left it behind as he drove off in the victim's vehicle. The victim signed the stolen vehicle report and was given his copy. The victim's vehicle was entered into the Stolen Vehicle System.
15-7345	08/09/15 9:51AM	100 Blk. Erica Way Ladera	Petty Theft	Unknown suspect(s) removed the victim's unattended purse containing a cellular phone, credit cards and car keys from a party she was attending. The estimated loss is \$650.00. There are no suspects at this time.
15-7350	08/09/15 2:23PM	1500 Blk. La Honda Rd. Woodside	Traffic Accident	Party #1 was traveling eastbound S.R. 84 and was entering a sharp right hand bend in the roadway. Party #2 was traveling westbound S.R. 84 and was entering a sharp left hand bend in the roadway. Party #1 was traveling too fast to negotiate the

				turn and as a result, lost control of vehicle #1, crossed over the double yellow solid lines and crashed into the right front side of vehicle #2. Vehicle #1 and vehicle #2 sustained major front end damage and were towed from the scene. Party #2 was transported to Stanford Hospital for complaint of pain to his knee and waist area.
15-7369	08/10/15 10:26AM	200 Blk. Greer Rd. Woodside	Obtain/Use Personal ID w/o Authorization	The reporting party was the victim of identity theft by unknown suspect(s). The unknown suspect(s) attempted to open two fraudulent accounts using the victim's name and social security number at a Bank of America. There is no suspect information at this time. The victim reported no financial loss.
15-7373	08/10/15 12:35PM	100 Blk. Ohlone Street Portola Valley	Obtain/Use Personal ID w/o Authorization	Unknown suspect(s) opened a fraudulent account with Silver Cloud Financial, Inc. using the victim's name. The estimated loss is \$685.00.
15-7384	08/10/15 3:14AM	3000 Blk. Woodside Rd. Woodside	Enter/Occupy Property	Bruce McHenry from San Carlos was arrested for trespassing. McHenry was arrested and booked in to the San Mateo County Jail.
15-7415	08/11/15 9:21AM	3000 Blk. Woodside Rd. Woodside	Arson of Property	Unknown suspect(s) purposefully tried to light the mesh fencing surrounding the tennis courts on fire at Woodside Elementary School. The estimated damage to the mesh fencing is \$500. There were no witnesses and there are no surveillance cameras at the school.
15-7427	08/11/15 2:04PM	100 Blk. Longspur Street Portola Valley	Obtain/Use Personal ID w/o Authorization	Unknown suspect(s) opened a loan account through Cash Central using the victim's social security number. Eight other loan companies have contacted the victim indicating that loan applications were submitted using his social security number. The estimated loss is unknown at this time.

15-7437	08/11/15 5:12PM	2000 Blk. Portola Rd. Woodside	Burglary	The victim reported that his residence had been burglarized by an unknown suspect(s). The estimated loss is \$8,800.00. There were no witnesses and no video footage to this burglary.
15-7460	08/12/15 7:34AM	Alpine Rd. @ Golden Oak Drive Portola Valley	Traffic Accident	Driver #1 was driving vehicle #1 southbound on Golden Oak Drive and was the second car stopped in line for the stop sign at Alpine Road. Driver #2 was riding her bicycle, vehicle #2, on the eastbound shoulder of Alpine Road approaching the intersection of Golden Oak Drive. The car in front of vehicle #1 crossed Alpine Road and continued straight into the driveway of the Alpine Hills Tennis Club. Vehicle #1 then followed the other uninvolved vehicle across Alpine Road and into the driveway of the Alpine Hills Tennis Club, directly into the path of vehicle #2. Vehicle #2 was unable to stop before colliding with the right front door of vehicle #1, knocking driver #2 off of her bike. Driver #2 sustained abrasions to her left arm and hip but she refused medical attention.
15-7467	08/12/15 10:40AM	2100 Blk. Prospect Street West Menlo Park	Burglary	The reporting party was the victim of a residential burglary by unknown suspect(s). Entry into the home was made via a kick to the front door. The loss in this burglary was several pieces of jewelry along with approximately \$200 in US currency. The estimated loss is \$5,600.00.
15-7470	08/12/15 11:32AM	200 Blk. Grandview Dr. Woodside	Petty Theft	Sometime during the month of June several tools were stolen from an open carriage shed where they were stored while the victim restored his barn. While the victim suspects friends of a neighbor, no one was seen taking the items from the property. The estimated loss is \$735.00.



15-7483	08/12/15 4:14PM	500 Blk. Westridge Dr. Portola Valley	Burglary	Unknown suspect(s) entered an occupied single family residence via an unlocked sliding glass door. Once inside, suspect(s) searched through an office as well as several other rooms of the residence. The suspect(s) took the victim's purse from the kitchen as well as two collectible figurines from a hallway. The suspect(s) fled out the front door, leaving it ajar, possibly upon hearing the victim, who was napping in her bedroom. The estimated loss is \$1,800.00.
15-7499	08/13/15 10:03AM	Park N Ride Woodside	Petty Theft	A deputy was dispatched to a report of 2 license plates that were stolen from a van at the Woodside Rd/Hwy 280 Park and Ride. The deputy contacted the reporting party whose employer had rented the van last week. She advised they noticed the plates were gone and notified Enterprise Rentals. The R/P was advised to report the theft to the Sheriff's Office. Dispatch entered the plates into the Stolen Vehicle System.



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*Premier Sponsors:* State Coastal Conservancy and the Delta Stewardship Council

*Major Sponsors:* Bay Area Clean Water Agencies and the Regional Monitoring Program

*Early-bird Registration:* Due August 20<sup>th</sup>

*Pre-registration:* Due September 10<sup>th</sup>

*Hotel Reservation Deadline:* August 27<sup>th</sup>

T2\*\*B1\*\*\*\*\*SCH 3-DIGIT 940

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PORTOLA VALLEY CA 94028-7205



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