

PORTOLA VALLEY TOWN COUNCIL REGULAR MEETING NO. 847 SEPTEMBER 26, 2012

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

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

Absent: None

Others: Sharon Hanlon, Town Clerk  
Sandy Sloan, Town Attorney  
Nick Pegueros, Town Manager  
Tom Vlastic, Town Planner

Council approved the addition of urgency Closed Session item (#9) to the agenda at the request of Ms. Sloan. The item relates to the Town-owned lots 23, 24, 25 and 26 in the Blue Oaks subdivision.

Councilmember Aalfs moved to add the item to the agenda. Seconded by Councilmember Driscoll, the motion carried 5-0.

ORAL COMMUNICATIONS [7:33 p.m.]

Resident Bud Eisberg, Wyndham Drive, stated that he and his wife oppose the Town's purchase of 900 Portola Road. He said theirs is not an elitist neighborhood opposed to affordable housing, but they see no plan, and the number of units mentioned – from eight to 14 – doesn't fit with the prevailing density in the neighborhood. If there is a design/plan, he said it should be made available to the public; if not, spending \$3 million on land without a design/plan in place is irresponsible.

- (1) Presentation: Vic Schachter and Jim Lyons, Co-Chairs of the Ad Hoc Citizens Committee on Airplane Noise Abatement for the South Bay, reporting on Airplane Noise Abatement Citizen Initiative and Update [7:35 p.m.]

Mr. Schachter, a Portola Valley resident, said he and Mr. Lyons, who lives in Woodside, have volunteered more than 100 hours to this issue because it's critical to enjoyment of the community. He pointed out that a rapid increase in commercial aircraft traffic has caused a substantial increase in noise from low-flying planes, and NextGen technology will worsen the situation. He said it's important for citizens to voice their concerns both with Rep. Anna Eshoo and the Airport/Community Roundtable. Beyond the extensive meetings held with Rep. Eshoo and the Federal Aviation Administration (FAA), he underscored the need for a widespread grassroots effort.

Providing some data about the increase in commercial jet traffic, Mr. Schachter noted that arrivals over the Woodside VOR increased 70% between 2005 and 2010. This VOR – short for VHF Omni-directional Range – is the main radar installation for flights approaching San Francisco International (SFO) and Oakland International (OAK) airports. It's located near Skyline Boulevard and Woodside-La Honda Road. Between January 1, 2010 and June 30, 2012, more than 57,000 commercial aircraft, approximately 23,000 per year, flew over this VOR, and SFO's Director of Airport Operations predicts a 10% increase in air traffic in the coming years.

At the same time, aircraft are flying lower, and as Mr. Schachter pointed out, noise levels increase geometrically, not arithmetically, as the altitude drops. He said that average altitude over the Woodside VOR fell 900 feet between May 2005 (when it was 7,500 feet) and February 2010 (6,600 feet). He

underscored the fact that according to SFO records, from January 1, 2009 through May 31, 2012, more than 88% of all arriving flights over the Woodside VOR came in below 8,000 feet and almost 28% were below 6,000 feet. This was despite the intervention from Rep. Eshoo that resulted in a 2006 agreement with the FAA to keep flights no lower than 8,000 feet.

In response to Councilmember Driscoll, Mr. Schachter explained that altitudes are measured in relation to sea level versus ground level, so planes fly a bit closer to Portola Valley than their altitudes indicate.

Mr. Schachter discussed recent efforts by the SFO Airport/Community Roundtable to address the problem, particularly since the January 2012 addition of new members and a change in leadership. For example: the group:

- Reached an agreement with SFO's Noise Abatement Office (NAO) to install noise monitors at the Woodside VOR and in Portola Valley and report the results after a four-month period.
- Formed a Woodside VOR Ad Hoc Subcommittee to review the NAO's findings. The Subcommittee comprises Roundtable Chair Jeff Gee (Redwood City Vice Mayor), Dave Burow (Woodside Councilmember), Elizabeth Lewis (Atherton Vice Mayor) and Councilmember Wengert.

Mr. Lyons reported that between March 6, 2012 and July 8, 2012, the NAO took aircraft noise measurements at two locations – the Woodside VOR and near Portola Road and Westridge Drive in Portola Valley. The NAO's technical report, issued on June 27, 2012, concluded that noise levels were well below state and federal standards. The NAO calculated average noise level on the basis of the CNEL (Community Noise Equivalent Level)—a 24-hour average of all aircraft noise above a certain threshold—and said that the SFO monthly aircraft CNEL ranged from 32.5 to 36.2 decibels (dB) for Portola Valley. He noted that 35 dB equates to the noise level in a library reading room.

Mr. Lyons said the Ad Hoc Citizens Committee on Airplane Noise Abatement for the South Bay has serious concerns about whether the NAO's conclusions are valid and/or accurate, for a number of reasons:

- The report data are incomplete. During the four-month period, according to SFO records, a total of 8,135 flights crossed the Woodside VOR on the path over Portola Valley to SFO and OAK, but the NAO's Portola Valley sound monitor recorded only 1,095 flights. The NAO acknowledged that its sound equipment failed to record about three of four flights at altitudes up to 5,500 feet over the VOR.
- The Portola Valley noise monitor, set seven feet up from the ground, did not conform to California Division of Aeronautics noise standards for setup (Section 5072). The standard required placing the measurement microphone 20 feet above ground.
- The monitor should have been set to record all aircraft noise greater than 55 dB, but its calibration ignored all flights generating less than 60 dB. Further, NAO's calculation of average noise was 0 dB for any flight generating noise of 59 dB or less. Flights calculated at 0 dB would cut the average noise level substantially.
- Some findings in the report are so irrational they can't possibly be correct. For instance, the NAO reported finding 13 days with SFO aircraft recording 0 dB CNEL in Portola Valley. That's the threshold of human hearing, Mr. Lyons pointed out, about four times quieter than the sound of a pin dropping. Other SFO data on those same days shows scores of flights, many lower than 6,000 feet, over the Woodside VOR.

On April 7, 2012, June 8, 2012 and July 6, 2012, for instance, NAO reported CNEL reading of 0 dB for Portola Valley – day that 51, 70 and 60 flights, respectively, flew over the Woodside VOR.

- The NAO calculated an ambient noise level range of 50.4 to 62 dB in Portola Valley – what might be expected in downtown San Francisco during rush hour, which would be about eight times louder than a quiet rural area. The ambient noise level in Portola Valley, Mr. Lyons said, would be 30 to 35 dB.

Despite the report's shortcomings, Mr. Lyons said the NAO data does confirm the fact that aircraft noise bombards Portola Valley. The equipment recorded more than 1,000 instances of aircraft noise events in Portola Valley of 60 dB or greater during the four-month monitoring period. Of these, 54 generated readings of 80 dB or more – loud enough to wake someone up in a home with the windows closed. One 97.1 dB reading, he said, was nearly equivalent to a rock-and-roll band (105 dB). The aircraft CNEL calculation by the NAO is much lower than these numbers because these figures are averaged against zeros and very low numbers over a 24-hour period.

The noise problem will worsen. Mr. Lyons warned, because the FAA and SFO are in the process of implementing NextGen technology. This technology will allow aircraft to fly at lower altitudes on approach to SFO and OAK, he said, and also to fly closer together in more concentrated, narrower flight paths.

According to Mr. Lyons, no evidence supports FAA's claim that the technology will reduce noise levels; in fact, in a January 12, 2010 FAA presentation, the FAA acknowledged that concentrating flight tracks could increase noise exposure in some areas. Furthermore, a Government Accountability Office (GAO) report dated October 5, 2011, said NextGen will expose some previously unaffected or minimally affected communities to increased noise levels.

Mr. Schachter said it's important to recognize the proactive way the Town Council has involved itself in the issue, and it's important for the Council remain involved. He suggested that the Council:

- Continue to communicate with Rep. Eshoo's office.
- Encourage residents to advise Rep. Eshoo's office of their aircraft noise complaints.
- Seek completion and evaluation of a credible environmental impact assessment before NextGen is implemented.

In response to Councilmember Aalfs asking whether a public hearing process for NextGen is planned, Mr. Schachter said that Congress apparently gave FAA an exemption to the environmental impact assessment. When asked about an assessment during a meeting with the FAA in Rep. Eshoo's office, the FAA spokesperson offered what Mr. Schachter described as a circular response: "We can't get into hypotheticals right now."

- Continue its support initiatives addressing aircraft noise, perhaps by hosting a community forum with Woodside and the Roundtable.
- Lead other South Bay communities in undertaking joint initiatives on these issues. As Mr. Schachter put it, more officialdom from these communities would help reach critical mass.
- Perhaps in coordination with Woodside, consider hiring an aviation consultant to review NAO findings and determine whether additional noise studies are required.

Councilmember Driscoll said he fully supports what the Ad Hoc Citizens Committee is seeking, but asked whether there's a way for the aircraft to reach SFO without causing a noise problem in some community?

Mr. Schachter said there are many alternatives other than pushing the load from one community onto another, which has been the Roundtable's underlying principle and a principle the Committee supports. An impact study could evaluate the options, Mr. Schachter stated. One option might be to fan the air traffic out in such a way as to spread the flights over a number of communities. Another option might be to change the noise levels.

In response to Councilmember Aalfs, Mr. Lyons said flying at lower altitudes is driven more by economics than safety. Flying lower consumes less fuel and saves the airlines money. According to Mr. Schachter, the FAA claims NextGen's "glide method" of arrival would burn less fuel and make less noise.

Tina Nguyen, 45 Alhambra Court, said she moved from Redwood Shores to Portola Valley to escape the airplane noise and was shocked to discover it was a problem here. She said she met with former Councilmember Steve Toben to talk about it several years ago, and the amount of air traffic has increased since then, in part because the planes now fly the Portola grinding route and over the Woodside VOR instead of the Big Sur route over Mountain View and Palo Alto.

Ms. Nguyen said that on a recent clear, cloudless Saturday, 11 planes came in to land in 35 minutes – 2.5 minutes apart. When she contacted SFO, she was told the planes were flying 6,000 feet above sea level. She also said that more Southwest Airlines flights are going to SFO rather than San Jose, and Virgin America has a route between SFO and Los Angeles.

Mr. Schachter said they were told that fog determined the pattern, but as Ms. Nguyen said, the problems seem no different in clear weather.

Mr. Lyons said that operating in an informational disadvantage has been one fundamental problem. The information they receive about sound, altitude and flight paths seems incomplete, which is why a recognized, impartial expert's objective assessment would be valuable.

Mr. Eisberg said that as a retired airline pilot who has also had a stint in air traffic control and participated in several NextGen studies at NASA, he does not claim expertise but has some knowledge about the subject. He stated that the Woodside VOR is not in the main gateway to SFO and aircraft use more fuel, not less, when flying at lower altitudes. He also noted the noise levels differ markedly between arriving aircraft at idle power and departing aircraft in climb power. Although NextGen has not yet been implemented, Mr. Eisberg said some erroneous conclusions have been reached about what NextGen is intended to achieve. (Mr. Schachter indicated that the data addresses only arriving aircraft.)

A Woodside resident [unidentified] said she's lived off Skyline Boulevard for 22 years and during the last two and one-half years, the noise and vibrations have become unbearable.

Al Gegaregian, Valley Oak Street, has lived in Portola Valley 24 years. Noting a significant increase in air traffic over the past two and one-half years, he said he's not trying to get it moved elsewhere but more spread out for safety reasons as well as peace and quiet. He said he contacted the NAO at SFO, and was told that 1) Portola Valley residents don't have a noise problem, 2) the NAO has no control over air traffic patterns, and 3) the FAA controls airplanes both on the ground and in the air. He identified three layers of aircraft traffic: a plethora of small planes buzzing around low, inbound planes at about 6,000 feet and outbound planes between 12,000 and 20,000 feet. Mr. Gegaregian said the Committee needs the Town Council's help because the FAA seems to feel immune to efforts to minimize the impact on residents and doesn't want to hear about it.

A Woodside resident [unidentified], former investment banker for the State of California, said he's worked in airports, and has tens of thousands of documents that have been publicly released on NextGen. It became operational in March 2011, he said, but they didn't use the word "implement." SFO was a test site for the original "optimized tailored arrivers." NextGen is a technology that enables landing planes in a leaner, computer-controlled path instead of circling, he said. All flight paths are published and available to the public. A navigational technique that allows planes to come down with their engines in idle power. The

airframe of the jet is what causes the deceleration; when it lands the high-pitched frequency often drowns out conversation. That's the noise that's now being initiated earlier in the descent, over the coastal range. It's frictional, low-torque, lower-frequency noise created by slowing the aircraft down, a completely different frequency than in takeoff. It's a typical airplane sound, but no longer occurring as the plane touches down but as it crosses over Woodside and Portola Valley. The implementation being discussed by FAA at this point is the "metroplex," which is the next level. It's a consolidation of flight paths into all Northern California airports.

Councilmember Wengert said her experience with the Roundtable since she became involved this year has been very positive, and she wants to continue the Council's support to the extent possible. She concurs with the idea of multiple communities coming together to bring collective pressure to bear as an effective vehicle. She mentioned several of the most affected communities, including Brisbane, Millbrae, Pacifica and San Bruno. She said of the Committee's recommendations, the need for an environmental impact assessment resonates the most with her. In addition, she encourages continuation of efforts being made by Rep. Eshoo's office. She said Portola Valley must be focused in its approach so as to allocate its limited resources most effectively. Councilmember Wengert also said she wanted to see a procedure set up whereby SFO notifies the Roundtable of pertinent plans. For instance, she said if a particularly bad weekend is coming, when runways will be closed, the Roundtable needs access to that information to pass along to its constituents and their communities.

Vice Mayor Richards, who said he's encouraged that the Roundtable has become a more effective organization, also underscored the importance of an environmental assessment of the NextGen technology. He said it might warrant sending additional letters to Rep. Eshoo.

Councilmember Aalfs added that it would be helpful to implore people to report their aircraft noise complaints to Rep. Eshoo's office.

In terms of the community forum the Committee recommended, Councilmember Driscoll said he'd like to do it jointly with Woodside, and perhaps invite Rep. Eshoo. Mr. Schachter said San Mateo County Supervisor Dave Pine and some of his colleagues also might want to participate – particularly in this election year.

Mayor Derwin summarized Council's agreement to 1) Continue communications with Airport Roundtable through Councilmember Wengert; 2) post a link to Rep. Eshoo's office on the Town's website where complaints can be filed; 3) hold a joint public forum with other communities and 4) write a letter to Rep. Eshoo's office signed by all Councilmembers requesting her support and involvement.

CONSENT AGENDA [8:22 p.m.]

- (2) Approval of Minutes: Special Town Council Meeting of September 12, 2012
- (3) Ratification of Warrant List: September 26, 2012 in the amount of \$80,948.38

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

Aye: Councilmember Aalfs, Driscoll, Wengert, Vice Mayor Richards, Mayor Derwin (Richards abstained on Item 2)

No: None

REGULAR AGENDA [8:23 p.m.]

- (4) Discussion and Council Action: Report from Town Planner to the Town Council on consideration and possible direction to the Planning Commission to initiate Public Hearing for General Plan amendment, clarification of "Meadow Preserve" provisions

Mr. Pegueros said Mr. Vlasic would walk the Council through issues that sparked the request to provide direction on General Plan language relative to the Meadow Preserve, but to summarize the process ahead, he said that as a result of this meeting, the Planning Commission will have Council input to evaluate as Commissioners consider pertinent General Plan language and propose clearer wording. The Planning Commission recommendation would then come back to the Council.

Mr. Vlasic said the staff report of September 26, 2012 provides background on the situation and the issues of interpreting General Plan language as it was amended in 2011 and as it existed prior to that time. After providing the Planning Commission with some direction, he indicated that at some point Councilmembers and Commissioners might want to get together. For now, he provided some context.

The basic language in the General Plan before the 2011 amendment pertaining to the Meadow Preserve had been in place since about 1970, Mr. Vlasic said. The Meadow Preserve extends from the northern boundary of the Spring Ridge property to The Sequoias, and includes the Midpeninsula Regional Open Space District (MROSD) property. The Town signed a development agreement with the MROSD in the 1980s to allow installation of the parking lot and preserve the driveway to the Spring Ridge property. At that time, there also was discussion about changing the General Plan to show the MROSD on the Town's Plan Diagram.

In 1997, when the Recreation Element was updated, he said the language was extended to include: *a southern portion of the original Meadow Preserve is owned by the Midpeninsula Regional Open Space District and is part of the Windy Hill Open Space Preserve. The parking lot serving the preserve should be maintained so as to cause minimum conflicts with the Meadow and remain compatible with the natural setting to the maximum extent possible.* Mr. Vlasic said he pointed this out to underscore the fact that there were interpretations made under the definition of Meadow Preserve as to what could go in there. As he put it, "It's not unprecedented that there were interpretations made . . . based on how the Open Space District project was handled." In discussing with the Town Attorney, he said, one option going forward would be to further interpret the language as it exists today, work with the Planning Commission on that rather than modifying the General Plan.

Ms. Sloan called the Council's attention to an excerpt from an attachment to the staff report, an October 3, 2011 memorandum from the Planning Commission to the Town Council:

. . . prior to the May 2011 General Plan amendments, the key Meadow Preserve wording was in the Recreation Element of the General Plan and specifically stated the intent for the preserve as follows: *The Meadow Preserve, proposed for the large field adjoining Portola Road and north of The Sequoias, lies astride the San Andreas Fault and is visually important to the entire quality of the valley. The preserve should be kept **largely open, the existing character preserved, and present agricultural uses maintained.*** (Section 2313)

With the recent amendments, these provisions were moved to Section 2216.2 of the Open Space Element and modified to read: *The Meadow Preserve, the large field adjoining Portola Road and north of The Sequoias, lies astride the San Andreas Fault and is visually important to the entire quality of the valley. This preserve should be kept in a **natural condition and the existing agricultural character preserved.***

[Note: There was/is no boldface emphasis in the General Plan text; it appears here to draw attention to some of the terminology that has been troublesome.]

Whether through interpretation or amendment, Mr. Vlasic said it's important to have a guideline that will enable to come to closure on decisions regarding the Spring Ridge property.

Ms. Sloan recalled the Planning Commission struggling with the fact that the older version did not use the word "natural" but the newer one does. She advised the Council not to get too bogged down tonight in the exact words, but rather to come up with some guidance for the Planning Commission.

This guidance could reflect one of two alternatives, Ms. Sloan suggested. The Council 1) could give the Planning Commission additional guidance to work with the 2011 General Plan language, or 2) decide a General Plan amendment makes more sense, and provide suggestions on how the language might change.

Councilmember Wengert asked whether a timing differential is associated with those alternative plans of action – interpretation versus amendment. Ms. Sloan said the timing would probably be about the same, because notice of meetings about this issue on both Planning Commission and Town Council agendas would go out, whether public hearings are scheduled or not.

Councilmember Wengert, noting that the Portola Road Corridor is another factor to consider in the context of the Meadow Preserve, said that one of the Task Force's top priorities relates to preserving the views of the western hills. View preservation actions could range from tree removal to maintaining a diversity of forest, field and meadow. Councilmember Wengert said neither the previous nor current General Plan language incorporates any of these ideas. Yet another aspect to take into account involves Portola Valley's commitment to sustainability. She recalled an agriculture-related idea expressed by former Councilmember Toben resonating with his peers on the Council. Mr. Toben had discussed a vision of row gardening in the Meadow Preserve to augment the food supply, reduce transportation costs and transportation-related greenhouse gas emissions. Thus, Councilmember Wengert suggested, the Council might want to consider allowing agricultural uses that have no history in the Meadow Preserve. She suggested that she's leaning toward preferring the General Plan amendment approach, because the situation calls for the type of overarching guidance typically provided in the General Plan.

Councilmember Aalfs said he considers the term "natural condition" both misleading and ambiguous. He said that the language might be changed with a view toward what the Town wants to see in the Meadow Preserve. As for the word "existing," he said what exists changes over time. He agreed with Councilmember Wengert, that the language should be revised.

Councilmember Driscoll asked the reason why the old language was changed.

Mr. Vlasic explained that it didn't begin with a discussion about the Meadow Preserve, but with updates for the Open Space and Recreation Elements of the General Plan. Those updates included some rewording, some reorganizing and some revising. The Planning Commission reviewed all sections of those elements, and when Commissioners got to the Meadow Preserve, they determined that the wording that existed at the time didn't reflect the reality of Meadow Preserve conditions. The word "agricultural" later became an issue with the Town Council and the property owner, and the matter grew more confusing and complex from there.

Councilmember Wengert said one important thing to do would be to clarify the intent of the word "agriculture" so no ambiguity remains about what it means. Councilmember Driscoll noted that "natural" and "agricultural" actually contradict one another.

Planning Commissioner Denise Gilbert, addressing Councilmember Driscoll's comment, said the agriculture approved in the Neely/Myers Conditional Use Permit (CUP) was a compromise, and it allowed agricultural uses only around the exterior portion of the meadow, so the central meadow would remain "largely open." Prior to that compromise, she said the Planning Commission was deadlocked, with half saying agriculture didn't fit with the definition of meadow, and half saying agriculture would be okay.

Jon Silver, Portola Road, said he's pleased to see acknowledgement of the problematic wording in the General Plan, but is concerned lest the Council give direction to the Planning Commission before receiving public input.

Judy Murphy, Portola Green Circle, serves on the Conservation Committee. She said when Committee members reviewed the issue in the context of the Neely/Myers property, their task was made more complicated and bewildering by the fact that they were told to consider the General Plan only as it applied to Town-owned open space.

Mayor Derwin asked Mr. Vlastic exactly what he wanted from the Council tonight. He replied that if the Council appreciates some ambiguity in the language and wants to articulate some broader concepts as a result of the Portola Road Corridor Plan Task Force work, that provides some specific direction without telling anybody what to do – it's to consider these things. If the Council's consensus is that a General Plan amendment process is in order, he said that process would begin and go on the Planning Commission agenda.

Councilmember Wengert summarized her thoughts: attention to agriculture uses, diversity and preservation of the western hills viewshed. She said she's struggled with the inconsistency of the Town not having restricted vineyards anywhere else.

Mr. Vlastic said that in a study session, the Planning Commission could begin reacting to some wording that staff develops on the basis of input from this meeting and other feedback. He also suggested the Planning Commission and Town Council meet jointly before entering the hearing phase of the process.

Kirk Neely, Portola Road, expressed concerns about the Council waiting for the Portola Road Corridor Task Force to complete its recommendations before proceeding on this issue, and about Mr. Silver's suggestion for more public hearings. Dr. Neely pointed out that his project is moving into its fifth year, and he wants "a little clarity." He's also concerned about adding more and more codicils to the General Plan, he said it gets more and more complicated. The more complicated it gets, he continued, the more difficult it becomes, "so I think we have to be careful moving in that direction." Dr. Neely said he would like simple, flexible, mutually acceptable language in the General Plan, and would like to be part of the process. In the meantime, he asked whether the Council could at least give the Planning Commission guidance "from the get-go" in support of the vineyards in the meadow.

Mayor Derwin asked Ms. Sloan if that's even permitted. Ms. Sloan said it would be better if that's included when a proposal comes back to the Council. Ultimately, she said, it shouldn't be necessary to go back and forth between the Council and the Planning Commission multiple times, provided the discussions are fully encompassing of the vineyards question. She said, too, that it might be better to obtain significant public input first.

Councilmember Wengert, noting her sensitivity to Dr. Neely's point about the time he's invested in this and understanding his frustration, said a lot of progress has been made but the one issue remaining requires carefully attention. She said that an earlier change intended to broaden the definition unfortunately did not create the clarity they'd hoped for, and she isn't sure any other process could ultimately arrive at a decision whether the vineyards will work on this property. She also emphasized that she did not suggest that the Portola Road Corridor Plan be complete before this issue is resolved.

As he sees it, Dr. Neely said, no progress at all has been made in terms of the meadow. He said it's incumbent on the Council to provide some leadership in this matter.

Mayor Derwin said she is open to many kinds of agriculture in the meadow, including vineyards. She noted that the vineyards on the Napa County hillsides have an open look.

Councilmember Driscoll said "agriculture" is too broad, because it also could mean strawberries in little pots; so the focus should be on the character of visual corridor and the ability to see across the meadow.

He said the meadow's character isn't a function of the actual plant materials and whether they're harvested.

Dr. Neely said he prefers simple General Plan language for various reasons, that every term in both versions was used at some point to object to agriculture in general and vineyards in particular, that all the language is in some way contentious and that the process will be very difficult. He also said he's very concerned that he hasn't heard much guidance going on to get back to the Planning Commission.

Dr. Neely said a fundamental question is whether the General Plan contains explicit or implicit language regarding whether the meadow must be maintained as hay or grassland. Having "hobby" agriculture around the edges, he contended, still imposes a requirement that his family maintains it as a meadow. He said a reasonable person looking at a General Plan requirement to maintain a significant portion of private property as hayfields and grassland for the benefit of passersby would say that represents an unfair burden. "I'll be very explicit," he said. "That's our position."

Mr. Silver said he has some sympathy regarding the time involved, and hopes this process will result in simpler, maybe even shorter, verbiage in the General Plan. As for hearings, he said there's no way to amend the General Plan without at least two hearings – one with the Planning Commission and one with the Town Council – and it might be necessary to hold more than that. He also said a public process yields the best results.

Mayor Derwin asked whether Commissioner Gilbert has heard enough guidance for the Planning Commission to move forward. Commissioner Gilbert replied that she's afraid the process may result in no difference, inasmuch as the Planning Commission and the public alike are divided pertaining to the central portion of the meadow. She said the debate will endure about how much agriculture can be allowed before a meadow is no longer a meadow.

Ms. Sloan said that unlike situations in which final decisions rest with the Planning Commission (unless a decision is appealed), the Council must approve General Plan amendments. Thus, if the Planning Commission remains deadlocked, a report describing their stances could be forwarded to the Council.

Councilmember Wengert said that this time she hopes it's clear that the message she wants to send relative to this new effort is that the goals are slightly different now than they were in 1970. The Meadow Preserve is narrowly defined now, she said. Councilmember Wengert, agreeing with Dr. Neely that hay and grass is at the heart of it, said the question is whether that narrow definition should be expanded to include agricultural uses. If the answer is yes, agriculture must be defined in the context applicable in other parts of Town.

Councilmember Aalfs, agreeing that the language should be as simple as possible, said the two bothersome words are "natural" and "agriculture."

Vice Mayor Richards said "agriculture" needs to be defined. Historically, he said, Portola Valley was an agricultural town, and one of the main reasons for incorporation in the first place was to maintain, preserve and protect agricultural uses.

Ms. Murphy said another word to bear in mind is "meadow," as in Meadow Preserve. She said if the Town decides the meadow will be used for agriculture, it's not a meadow anymore. As she put it, "That's pretty basic . . . I don't think you should fool yourself that you can continue to call it a Meadow Preserve" under those circumstances.

Dr. Neely agreed with Ms. Murphy: "The problem begins and ends with the term 'Meadow Preserve.'" The modifiers used with agriculture – "existing" and "present" – have also been problematic. Noting that "natural" is a term defined in the "eyes of the beholder," he added that essentially all the terms are subject to interpretation "in the eyes of the beholder."

Councilmember Wengert said the Planning Commission also could consider eliminating the term “meadow,” which she said has become archaic given the multiple uses in the Portola Road corridor.

Mr. Vlastic said in the end, they don’t want to bring the Council a document in which meanings are unclear. At this time, he said, in addition to the wording issues, the fact that there’s a parking lot in the Meadow Preserve must be considered. Changes may be needed in the General Plan Diagram to reflect reality. He said the process could lead in a variety of directions to reach the clarity needed.

Councilmember Wengert agreed, adding that there have been many problems with this definition over the years. There are times, she said, when it’s appropriate to take the General Plan and move it forward in a substantial way. If not, it will get fuzzier and more interpretive, so it’s time to bring it current to reflect what we have and what we want, incorporating values and goals, so that it’s workable for the Planning Commission and easier for everyone to understand.

When Mayor Derwin asked Mr. Vlastic if this discussion would help, he said he’s convinced that when we get through the Council hearings and the General Plan is amended, it will provide clarity. In response to her question about a timeline, he said it probably can’t get onto the Planning Commission agenda within the next month or two.

Commissioner Gilbert said the conversation raises questions about whether the Meadow Preserve should continue as a preserve at all, considering that at least two owners are involved and the uses may be inconsistent. Councilmember Wengert said it’s the definition of a “meadow” that’s troublesome, and she’s not looking to diminish the visual impact of this area in any way as a result of any ownership status.

Ms. Murphy said that historically the area has been a Meadow Preserve, and it’s visually unique along the Portola Road Corridor. Noting that Dr. Neely is in an awkward position because it’s his land, yet so much of the community feels as if it’s theirs too because of that iconic viewshed, she said that many people would be very upset if someone decided it’s not a meadow any longer.

Mr. Silver said he’s anxious for the action to be taken.

Mr. Pegueros said the joint study session with the Council and the Planning Commission could be beneficial. Mr. Vlastic said it would be important to have enough as a starting point to get good direction from such a session, so he’d discuss it with Mr. Pegueros before anything is scheduled.

Marilyn Walter, Coyote Hill, said that when she was a member of the Conservation Committee, one of the documents the Committee reviewed pertained to the Town’s general values, including the night sky, the open space and so on. She said before getting mired down into the legalities, the whole question should be framed with the Town’s historical values in mind.

#### COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS [9:17 p.m.]

- (5) Appointment by Mayor: Request for Appointment of Member to the Cable and Utilities Undergrounding Committee

Councilmember Driscoll moved concurrence with the Mayor’s appointment of Dar Hay to the Committee. Seconded by Councilmember Wengert, the motion carried 5-0.

(6) Reports from Commission and Committee Liaisons

Vice Mayor Richards:

(a) Planning Commission

The Architectural and Site Control Commission (ASCC) and Planning Commission held joint field meetings at The Priory (September 10, 2012) and at Woodside Elementary School (September 24, 2012). At The Priory, they looked primarily at the proposed location of the track and playing field, as well as where the trail abuts Portola Road. At Woodside School, they focused on its artificial turf installation. During its regular meeting on September 19, 2012, the Planning Commission discussed the size and location of the proposed storage shed, use of the softball field, landscaping plans and the possibility of undergrounding wires when the berm is removed.

Commissioner Aalfs, who also attended the field meetings, said there was a big question about the impact of the track on the trail, because they would come within about 20 feet of each other at one point. He also observed that from a distance, it was hard to tell which of the Woodside School fields used natural turf and which used artificial turf, but up close there was no question. Councilmember Aalfs said the central issue seems to involve three main points: aesthetics, environment and values.

(b) Emergency Services

Following a change in personnel, San Mateo County Emergency Services introduced some new people at its meeting, explained metrics for tracking participation of cities within the County, discussed emergency evacuation exercises, previewed upcoming programs, and put three running trucks on display – including a mobile crisis center and an assault vehicle! (Vice Mayor Richards explained that the assault vehicle had been used in a hostage situation, where a man locked himself in a house and was threatening to shoot his wife and child. As soon as the gunman saw this vehicle pull onto his lawn, he gave himself up.)

(c) Conservation Committee

Meeting on September 25, 2012, the Committee discussed:

- Preparation of a final draft for its Redwood Removal Policy statement proposal.
- The Portola Road Corridor Plan Task Force report.
- A Wildlife Incentive Garden program.

The Conservation Committee also met jointly with the Parks and Recreation Committee at Ford Field on September 17, 2012.

Councilmember Wengert:

(d) Parks and Recreation Committee

Councilmember Wengert said one of the mitigation measures discussed for the large oak tree at Ford Field during the Conservation Committee and the Parks and Recreation Committee joint special meeting was to fence the tree, but to work the fence would have to extend close to third base. Because the meeting went so long, Councilmember

Wengert said that she and Vice Mayor Richards had to leave, but Mr. Pegueros reported a resolution: After assessing the options, members of both committees reached consensus that the tree should be removed.

(e) Regional Housing Needs Allocation (RHNA)

Finally set, numbers for the next decade's affordable housing needs were released at the RHNA meeting. Portola Valley has 64 units; with the category breakdown of 21 in very low income, 15 in low income, 15 in moderate income and 13 in above-moderate income. The RHNA numbers require Council approval by each community by January 2013.

According to Councilmember Wengert, the idea of a more regional approach to affordable housing is gaining traction, because some communities face a more challenging burden meeting the numbers than others, for example, Menlo Park (655), Atherton (93) and Hillsborough (91).

Councilmember Driscoll:

(f) Cable and Undergrounding Utilities Committee

At a special meeting called for September 20, 2012, the Committee discussed a memorandum that would go to the Council requesting approval of a revised amendment to the current resolution to establish an underground utility district on Alpine Road.

Councilmember Driscoll said he challenged the Committee to undertake some research to find a way of undergrounding that doesn't cost \$1,000 per foot.

Councilmember Aalfs:

(g) Portola Road Corridor Plan Task Force

The Task Force met again, and will forward its report to the Planning Commission. Councilmember Aalfs said members have arrived at a "rough, good agreement" on what they want to achieve in the corridor, but questions remain about how to do so. Most specifically, Task Force members are focused on view enhancement and preservation, increased usage without increased vehicular traffic, and safety.

(h) Architectural and Site Control Commission (ASCC)

Meeting with the Planning Commission on September 24, 2012, the ASCC discussed not only The Priory proposal for artificial versus natural turf, but also reviewed a proposal for a driveway and bridge design on the easement on Ford Field leading to property owned by Ryland Kelley on the east side of Los Trancos Creek in Santa Clara County.

Mr. Pegueros said he encountered Carter Warr, who asked about the possibility of using open space acquisition funds to buy the Ryland properties. Mr. Pegueros referred Mr. Warr to the Open Space Acquisition Advisory Committee.

Mayor Derwin:

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

The C/CAG Board Meeting on September 13, 2012 included:

- A presentation by The Peninsula Traffic Congestion Relief Alliance.
- Discussion about a controversial five-year maintenance contract involving the smart corridor lights that regulate traffic (metering lights).
- An overview of the OneBayArea Grant (OBAG) call for projects as well as a discussion about “proximate access” to Priority Development Areas (PDAs) as they relates to the OBAG Program.

The Board also discussed how best to replace retiring Executive Director Richard Napier. Members agreed to assemble five people to vet candidates and use the County Human Resources Department.

(j) Resource Management and Climate Protection Committee

Meeting on September 6, 2012, the RMCP Committee (a C/CAG subcommittee) heard about:

- Joint Venture: Silicon Valley’s very successful joint solar purchase program, which is a group buy for large groups.
- A PG&E program exploring energy efficiency improvements for schools throughout San Mateo County.
- San Mateo County plans to post city-specific progress reports based on energy consumption and emissions data.

The program also included an update on RICAPS (the Regionally Integrated Climate Action Planning Suite).

(k) Silicon Valley Watershed Summit

Mayor Derwin participated in the September 22, 2012 Summit, reporting that it was well-attended with some 240 people. She said the well-attended event was intended to rouse enthusiasm about watersheds, improve understanding of how watersheds connect communities, and encouraging appreciation of water as an asset. She said one of the slide presentations showed Portola Valley’s creek project.

(l) Housing Endowment and Regional Trust (HEART)

Mayor Derwin reported that HEART’s Member Agency Committee (MAC), which holds twice-yearly meetings to which every agency member is invited to serve on the Board, met on September 22, 2012. She said HEART is trying to make the program more relevant, improve communication and fill a niche where redevelopment had been. She gave Mr. Pegueros packet of information about the organization’s New Home Buyer Assistance Program in San Mateo County.

WRITTEN COMMUNICATIONS [9:47 p.m.]

- (7) Town Council September 14, 2012 Weekly Digest – None
- (8) Town Council September 21, 2012 Weekly Digest
- (a) #7 – Email from Jorge Jaramillo, President of the Hispanic Chamber of Commerce for San Mateo County, to Mayor Derwin re: Invitation to 2012 Mayors' Diversity Celebration Awards for San Mateo County

Council concurred with Mayor Derwin's suggested candidates for the diversity awards.

- (b) #8 – Email from Becky Romero, City Selection Committee Secretary, to the Town Council re: Nomination to the California Coastal Commission at the October 26, 2012 Council of Cities dinner meeting

Mayor Derwin reminded Council that the topic of discussion at the September 28, 2012 Council of Cities dinner meeting is whether to restore or retain the Hetch Hetchy Reservoir.

CLOSED SESSION [9:50 p.m.]

- (9) Conference with Real Property Negotiators [*added as urgency item*]

Government Code Section 54956.8  
Properties: 900 Portola Road and Town-owned lots in Blue Oaks subdivision  
Negotiating parties: Town Attorney and Councilmember Wengert  
Under negotiation: price and terms

REPORT OUT OF CLOSED SESSION

Council (by a vote of 5-0) approved an amendment to the Listing Agreement for Blue Oaks lots 23, 24, 25 and 26.

ADJOURNMENT [9:58 p.m.]

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Mayor

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Town Clerk