

November 11, 2022

Portola Valley Planning Commission
Town of Portola Valley
Town Center
Portola Valley, CA 94028

Re: November 16, 2022 Planning Commission Meeting
Staff's Proposed Initial Study and Mitigated Negative Declaration for
General Plan Amendments

Dear Commissioners,

On October 28, 2022, the Town issued a public notice of its intent to adopt under the California Environmental Quality Act ("CEQA") an October 2022 Initial Study and Mitigated Negative Declaration regarding its proposed adoption of an updated Housing element, Safety element and conforming General Plan and zoning amendments.

According to the November 2, 2022 Staff Report of Laura Russell to the Planning Commission, the Commission's November 16 meeting will address the Initial Study and Mitigated Negative Declaration prepared by the Staff and its consultants regarding all of the Staff's proposed amendments to our General Plan and Municipal Code, including amendments to the Housing and Safety elements, our residential zoning code and various pipeline, pending and potential development projects.

I write in advance of your November 16 meeting to draw attention to important flaws and deficiencies in the methodology and content of the Initial Study and Mitigated Negative Declaration, and to request the Commission to direct the staff to revise the study to correct these fundamental flaws and deficiencies.

As currently framed and drafted, the staff's Initial Study precludes an informed, competent identification and assessment of the impacts the proposed amendments of our General Plan and Municipal Code will have on Portola Valley, its residents and its environment. These flaws and deficiencies deprive residents of an informed and meaningful opportunity to comprehend and comment on the

impacts the proposed amendments will likely have on our community, or the steps needed to mitigate them. They also deprive the Initial Study of the factual bases needed to perform a competent assessment under CEQA of the environmental impacts of the proposed amendments and any mitigation measures needed to alleviate them.

1. **The vast breadth and indeterminate scope of the “Project” defined for assessment necessarily results in a superficial and meaningless CEQA assessment**

For purposes of its CEQA review, the Initial Study begins by defining an imagined “project” whose environmental impact it then purports to assess. The “project” that is purportedly assessed includes all of the as-yet unspecified and undisclosed amendments to our General Plan, Housing element, Safety element, and Municipal Code, including all new zoning districts, all pipeline, pending and site development projects (including the Stanford Wedge), and all proposed changes to the Town’s affiliated housing program. Initial Study at 3-13. Defining such a vast array of different policies, regulations and programs – many of which are as-yet undefined, unknown and unknowable – as a “project” for CEQA review necessarily precludes any informed, competent CEQA assessment of the environmental impacts such a sweeping set of indeterminate policies, regulations and programs will have on our community.

For example, with respect to the Housing element, the Initial Study identifies the “project components” as including the Housing element update, the current RHNA Allocation and Buffer, RHNA Credits and Housing Sites Inventory, the development of 39 units at the Stanford Wedge project (Table 4), development of up to 23 units at Alpine and Nathorst, 50 units at Ford Field, 16 units at Glen Oaks, 23 units at Sequoias and 12 opt-in units at unknown “opt-in” locations (Table 5).

This sweeping set of Housing element policies, regulations and programs is then combined and aggregated with all of the as-yet unspecified land use, safety and related policy changes, regulatory changes, and programs to be added to our General Plan, our Safety element and our Municipal Code, to purportedly provide a “project” whose impact on our environment will be assessed under CEQA. Initial Study at 3-13.

By aggregating such a myriad and vast set of as-yet undefined and indeterminate policies, regulations and programs into a purported “project” for purposes of CEQA review, the Initial Study obviates any meaningful basis for the informed, competent assessment of impacts that CEQA requires. How can the impact of such a broad array of indeterminate land use, housing and safety policies, regulations and programs be parsed and meaningfully assessed? How can the interrelated and cumulative impacts of such myriad policies, regulations and programs be competently assessed in an informed and adequate manner? How can a “project” so broadly and imprecisely defined possibly provide an appropriate basis for the informed assessment of environmental impacts that CEQA requires? It can’t and it doesn’t. And that is one critical reason why the CEQA assessment contained in the Initial Study is so superficial, ill-informed and meaningless.

In addition to the immense scope and myriad nature of the changes supposedly being assessed in the Initial Study, consider also the vague and unspecified nature of those changes. For example, the “project” as defined includes the creation of at least 4 new zoning districts. But nowhere does the Initial Study identify where those districts would be located or what their metes and bounds would be.

Where is the zoning map that shows the boundaries and extent of these newly proposed zoning districts? Or the map that overlays and relates these new districts to the town’s seismic, wildfire and evacuation hazards, or its existing infrastructure? Where is the assessment of the impact that these new districts will have on our existing hazards, resources and infrastructure? If the Initial Study does not disclose the metes and bounds of the newly proposed zoning districts, or their relationship to the hazards, infrastructure and resources they would affect, how can it possibly perform an informed CEQA assessment of their impact? It can’t and it doesn’t.

Because the Initial Study purports to define such an immense and indeterminate array of General Plan and Municipal Code policies, regulations and programs, including pipeline, pending and future development projects, as the “project” to be assessed, it necessarily results in an ill-informed and superficial assessment of their potential impact on our environment.

The Commission should direct the staff to narrow the scope and specify clearly one or more specific sets of policies, regulations or programs to be assessed, provide an accurate, well-informed basis to do so, and perform one or more competent assessments under CEQA of their environmental impacts.

For example, a “project” specifically defined as the set of new zoning districts and changes to be added to our Zoning Code is much more susceptible to an informed, competent assessment of the environmental impact such changes would have on our community. An assessment based on such a “project” would allow residents to understand and assess:

- The precise boundaries of each new zoning district,
- How each such change in our existing zoning districts would overlies and relate to the maps of our existing geologic, wildfire and flood hazards as well as our evacuation routes, evacuation capacity, civic infrastructure and resources, and
- The impacts that such zoning changes would have with respect to our existing hazards, infrastructure and resources

Does the staff’s proposed Initial Study contain any such assessment? No, it does not. Indeed, as currently framed and defined, the Initial Study glosses over and precludes an informed, competent assessment of the specific impacts such important and far-reaching changes in our zoning would have.

2. The Initial Study’s assessment of impacts on geologic hazards is based on an incomplete and ill-informed depiction of our existing hazards

For nearly 50 years, our General Plan and our Municipal Code have regulated permissible land use and development within Portola Valley based on the nature and extent of the land’s geologic hazards as documented in our Town’s geologic safety maps. Throughout that entire 50-year period, any change in the maps’ depiction of geologic hazards has required the approval of the Planning Commission following a noticed public hearing and a written, detailed explanation of the evidence and justification for the change.

Based on extensive, peer-reviewed geologic field work and careful interpretation by many highly regarded geologists, a geologic fault, commonly called the Hermit

fault, has been depicted on the Town's geologic maps ever since the maps' inception. To this day, the Hermit fault is depicted on the U.S. Geologic Survey's map of quaternary faults running directly beneath Stanford's proposed housing project at the Wedge.

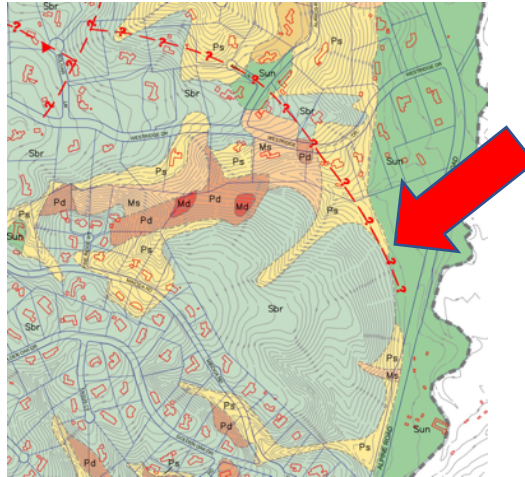
According to the Town's zoning ordinance, "[s]pecial building setbacks are established along earthquake fault traces to minimize potential loss of property and life resulting from differential movement along such traces caused by tectonic forces." Municipal Code 18.58.030(A).

The Town's geologic and ground movement potential maps provide "the basis for required fault setbacks. Two types of setbacks are established. One type is for setbacks along the San Andreas Fault. The other type is for setbacks from fault (other than the San Andreas)." Municipal Code 18.58.030(B).

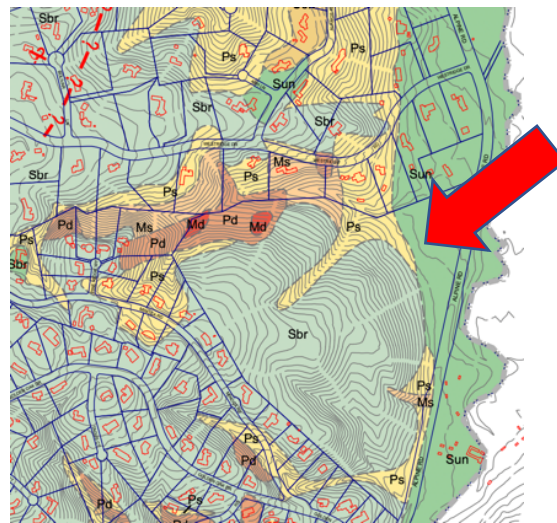
With respect to setbacks for faults other than the San Andreas, such as the Hermit fault, the Municipal Code provides that "it is still prudent to make certain that buildings for human occupancy do not cross such faults." Municipal Code 18.58.030(D). Accordingly, the Code goes on to provide that "[c]onstruction of new buildings for human occupancy within one hundred feet of such mapped fault traces shall be supported by a site-specific geologic investigation that demonstrates to the satisfaction of the town geologist that the structure is not underlain by the suspected fault." Municipal Code 18.58.030(D)(1).

If, however, the town's geologic maps do not depict the presence of a fault, there is, of course, no need for further investigation or protection. Removal of the fault from our town's geologic maps, necessarily removes any requirement under our Municipal Code to investigate and protect against its presence.

Sometime in 2017, shortly after the Town Council persuaded Stanford to propose new faculty housing at the Wedge, our Town's geologic map was mysteriously changed to remove the geologic fault that runs beneath Stanford's proposed housing project. See for yourself. Here is the geologic safety map's depiction of the Hermit fault beneath Stanford's proposed project *until* 2017.



And here is the geologic safety map's depiction of Stanford's land *after* 2017.



All trace of the fault simply disappeared from the map. How did a long-documented fault just “disappear” from our geologic maps? Who authorized its removal in 2017 and on what basis?

Ever since the geologic maps were first adopted in 1974, the Town Council has required a noticed public hearing and approval of the Planning Commission for any change to the geologic hazard maps, as well as a documented written explanation of the evidence and basis for any such change. But no such hearing, no such approval and no such explanation exist for removal of the Hermit fault from our geologic maps.

I wrote our Town Manager over 2 years ago to learn who authorized removal of the Hermit fault from our geologic maps and on what basis they did so. [Read my October 6, 2020 letter to Jeremy Dennis](#). I have never received an answer despite my repeated requests for a response.

When the Town's Geologic Safety Committee began to look into this issue and examine the geologic evidence underlying the fault's depiction, its chairman, Chet Wrucke, was contacted by the Town Attorney who flatly instructed him to back off, stating that the Geologic Safety Committee had no responsibility or authority to examine the geologic evidence of faulting on Stanford's property and was not to step foot on Stanford's property. According to her, Stanford and Town staff alone would examine the issue and resolve the question with no input or oversight by our Town's Geologic Safety Committee. Such is the sorry state of governance in our town today.

Such preposterous edicts cannot, of course, stop the highly experienced geologists of the Geologic Safety Committee from examining the evidence in their individual capacities and they have done just that. Not only have they found compelling evidence that the fault exists directly beneath Stanford's proposed housing project, precisely as currently documented by the U.S. Geological Survey and previously documented on our Town maps, but that the fault also shows disturbing signs of recent rupture. So why is the fault no longer depicted on our geologic safety maps? And why are the experienced geologists of our Geologic Safety Committee being excluded from oversight and review of the fault's investigation and interpretation?

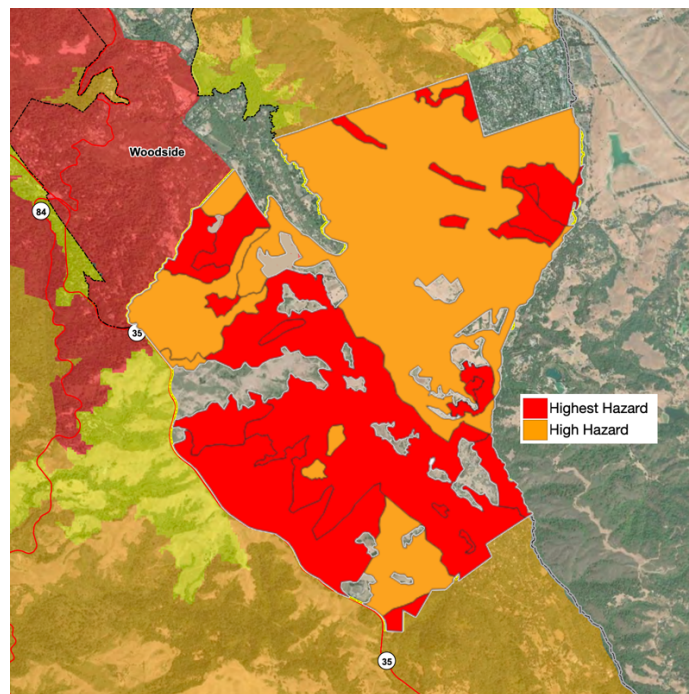
I also understand that members of the Geologic Safety Committee believe there are other important geologic faults and similar hazards throughout Town that are either not depicted in the Town's current geological maps, or are not properly considered and assessed in the Initial Study. Why is the Town's Initial Study relying on the untrained and amateur judgment of Town staff for the extensive experience and advanced training of the Town volunteers who it selected and deemed most competent to consider this question?

Perhaps most importantly for present purposes, why does the Initial Study assess the environmental impact of proposed Housing element policies, regulations and programs on the basis of an incomplete and inaccurate depiction of our known geologic hazards?

3. The Initial Study's assessment of impacts on wildfire hazards is based on an inaccurate and misleading depiction of our existing hazards

In 2010 our General Plan adopted the Moritz wildfire hazard assessment and map and incorporated it into our Safety element as the basis on which our Town would regulate and control future development in Town. We did that in part because George Mader and all of the State and local fire professionals who investigated our wildfire hazards agreed that the Moritz assessment and map was the best, most accurate assessment of the magnitude and extent of wildfire hazard confronting our town.

As the Moritz map shows, approximately 40% of Portola Valley's land area comprises the Highest Hazard for wildfire severity, and 49% of its land area comprises High Hazard for wildfire severity.



No passage of time has altered that sobering reality. Indeed, if anything, the severity and extent of our wildfire hazards has only increased, as the town's most recent wildfire expert candidly acknowledges.

Consequently, for the past 12 years, our General Plan (but not our Municipal Code) has called for the regulation of permissible land use and development

within Portola Valley based on the severity and extent of wildfire hazard as documented in the Moritz fire hazard map.¹

Here is what the 2010 Safety Element says about the Moritz map and how it uses its depiction of Very High and High Hazard areas to regulate safe land use and development:

“A Fire Hazards Map (44), which designates areas subject to significant fire hazards, has been prepared for the town by Moritz Arboricultural Consulting. The map shows eleven vegetation associations and assigns a rating of potential fire behavior to each association. The ratings and general descriptions of associations are as follows: ‘highest’ ... ‘high’ ... ‘moderate’ ... ‘low’.” Safety Element Sec. 4138

And here are the current Safety Element’s wildfire prevention policies:

“1. Do not construct buildings for human occupancy, critical facilities and high value structures in areas classified as having the **highest** fire risk (red) unless it is demonstrated that mitigation measures will be taken to reduce the fire risk to an acceptable level.”

“2. Prior to the approval of any subdivision of lands in an area of **high** fire risk (yellow and red), the planning commission should review the results of a study that includes at least the following topics:

- a description of the risk and the factors contributing to the risk,
- actions that should be taken to reduce the risk to an acceptable level,
- the cost and means of providing fire protection to the subdivision,

¹ While I and many other residents have repeatedly urged the Town Council to comply with the State’s statutory and legal mandates requiring the Town to adopt local ordinances to implement the General Plan’s wildfire policies into the land use and development regulations of our Municipal Code, it has steadfastly refused to do so. So, unlike our seismic safety policies, which are codified and enforced through our Municipal Code, the Town Council refuses to codify and enforce our wildfire safety and prevention policies through our Municipal Code. Obviously, that needs to change.

- an indication of who pays for the costs involved and who receives the benefits.”

“6. In locations identified as presenting **high** fire hazard (yellow and red), require special protective measures to control spread of fire and provide safety to occupants, including but not limited to types of construction and use of appropriate materials.”

In short, the wildfire prevention policies adopted in our General Plan are all tied to and based on the Moritz map’s assessment of the degree and extent of wildfire hazard throughout the various areas of town.

Sometime this summer, **after** the Ad Hoc Housing Committee reviewed a supposedly final draft of our new proposed Housing element, but before the draft was submitted to the State’s Department of Housing and Community Development for review, the draft Housing element was changed to add a map that supposedly depicted the severity and extent of wildfire hazards in Portola Valley. [HCD Draft Housing element, Figure 4-7, page 75](#). But the map submitted to the State as the basis on which to assess the impact of the draft Housing element’s proposed policies, regulations and programs on the severity and extent of our town’s wildfire risk was not the Moritz hazard map adopted in our General Plan. Rather, it was an earlier, long-discredited 2008 Cal Fire map that depicts far less severe and extensive wildfire hazard than the Moritz map.

More recently, the draft Safety element and the Initial Study prepared by Town staff also substitute the 2008 Cal Fire map for the General Plan’s Moritz map, and then rely on that discredited and inaccurate map as the basis for their depiction and assessment of our existing wildfire hazards.

The first question Commissioner’s should ask is whether this substitution matters and, if so, how? The answer is YES, it matters greatly, and here’s why.

First of all, NO fire professional believes the 2008 Cal Fire map accurately depicts the magnitude and extent of wildfire hazards in Portola Valley.

As Matt Miller, WFPD Board President wrote me last January when I pressed the District to designate our Very High Fire Hazard areas and adopt Cal Fire’s minimum fire safe development regulations in all of those areas:

“There is no interest in approving the limited CalFire map from 2008 as it is too old and also too limited based on our assessment. You may recall that the District rejected this map as too limited even back in 2008. It is not a safe and accurate map to approve in 2022 either.”

Here is what Don Bullard told the Housing committee last January about the Moritz map and the Cal Fire map:

“The Moritz map, I am familiar with it and I do agree with it. I do agree that there are more higher hazard areas than what the 2008 Cal Fire map depicts.”

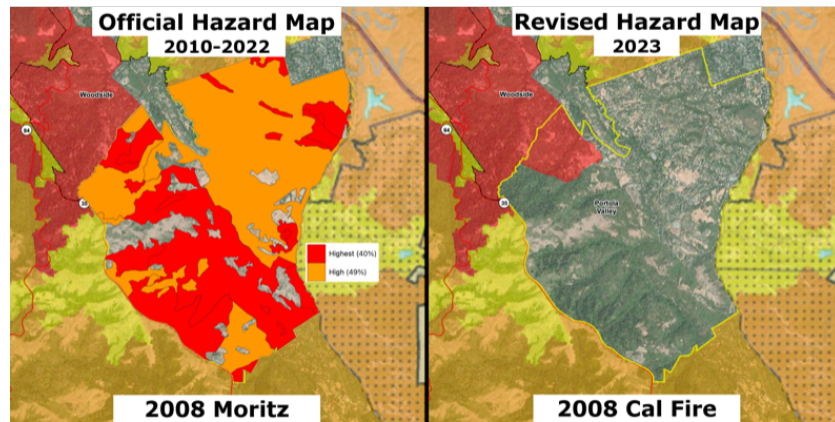
And this is what Zeke Lunder, the Town’s latest wildfire consultant, told the same committee last January:

“I’m looking at [Ray] Moritz’s map and I think its good. He’s likely spent more time on the ground than I have. But its 13 years old and I think if I was going to draw the red circles on the map, my map would have more red on it than his.”

In other words, if anything, the Moritz map understates the magnitude and extent of our Very High Fire Hazard severity areas.

Asked to comment on the staff’s proposed draft Safety element, Fire Marshall Bullard squarely rejected the staff’s proposed reliance on the 2008 Cal Fire map and pointedly called for immediate correction of its inadequate and misleading assessment of our Town’s wildfire hazards and risks. [Bullard’s 9/13/2022 Comments on Draft Safety Element.](#)

Second, the contrast between the discredited Cal Fire map and the Moritz map could not be more stark. Look at the Moritz and Cal Fire maps side-by-side:



The Moritz map (left) shows 40% of town as highest hazard, 49% as high hazard, and more than over 80% of the town's population immediately exposed. The Cal Fire map depicts 6% of town as very high hazard, 0% as high hazard, and less than 10% of the town's population immediately exposed. Those differences dramatically affect the distribution and severity of wildfire hazards throughout Portola Valley, and should serve to inform and constrain our decision-making about the location, density and extent of new development in town. Under controlling State law, Cal Fire's minimum fire safe development regulations apply throughout all Very High Fire Hazard Severity areas. Do those regulations apply to 40% or more of town as the General Plan and Moritz map require? Or do they apply to 6% of town as Cal Fire's discredited map would suggest?

Third, substitution of the discredited 2008 Cal Fire map for the Moritz hazard map dramatically reduces the scope and protective effect of our General Plan's existing wildfire prevention policies. Consider carefully how substitution of Cal Fire's discredited 2008 map would dramatically narrow the scope of our General Plan's existing policies, and how proposed changes to the Safety element would further gut and eviscerate those long-established local policies.

Under our current General Plan, construction of buildings for human occupancy is prohibited in the 40% of Portola Valley classified by Moritz as Highest Hazard unless it is demonstrated that mitigation measures will be taken to reduce the fire risk to an acceptable level. The proposed switch would shrink the application of

that policy from the 40% of the Town's land area classified by Moritz as Highest Hazard to just 6% of its land areas classified by Cal Fire's 2008 map as Very High Hazard. And it would change the current policy's prohibition against development for human occupancy based on risk of wildfire spread to surrounding homes and residents to a policy allowing such development based on compliance with a specified set of building standards.

Under our current General Plan, any new subdivision within the 89% of Portola Valley classified as Highest and High Hazard areas in the Moritz map requires a prior study of the proposed project's wildfire risks, the steps to be taken to reduce those risks, and the cost and means of providing adequate fire protection to that subdivision. The current General Plan also requires every new development within that 89% of town to implement special protective measures to control the spread of fire and provide safety to occupants, including but not limited to types of construction and use of appropriate materials.

Under the Town's proposed changes, these protective measures would not only be watered down but apply to only 6% of Town.

What justifies this dramatic reduction in our wildfire risk assessment and standards for wildfire prevention and protection?

- Why has Town staff substituted a discredited, out-of-date map that depicts far less severe and far less extensive wildfire hazard in Portola Valley for a wildfire hazard map professionally acclaimed as the best available assessment and already adopted and approved in our General Plan?
- On what basis with what authority did the staff and its consultants choose to override and ignore the General Plan's depiction of wildfire hazard and the fire prevention policies it provides to alleviate those hazards?

Recently, Town staff has suggested that State law requires the Town to use the 2008 Cal Fire map in lieu of the Moritz map, citing a provision of the Government Code. Not so. While the Government Code requires the Town to disclose "information regarding fire hazards, **including but not limited to,**" Cal Fire's hazard maps (Gov't Code § 65302(g)(3)(A)(1)), it also explicitly allows the Town

"at its discretion, [to] include areas within the jurisdiction of the local agency, not identified as very high fire hazard severity zones by the

director, as very high fire hazard severity zones following a finding supported by substantial evidence in the record that the requirements of Section 51182 are necessary for effective fire protection within the area.” Gov’t Code § 51179(c).

This is precisely what the Town did in 2010 when it adopted the Moritz map in our General Plan as the basis for the Safety element’s wildfire prevention policies. It exercised its discretion to adopt the Moritz map – a far more accurate and reliable assessment of our wildfire hazards – than the 2008 Cal Fire map.

It has also been suggested that we have to choose some map to use as a basis for our wildfire assessment, and that the Cal Fire map is as good a choice for planning purposes as the Moritz map. According to Mayor Hughes:

“We can’t just come up with a map out of thin air. The Moritz map is almost as out-of-date as the old Cal Fire map. So the map that’s in the Safety element draft is really a placeholder for now until we get a more updated one.”

The Mayor’s response suggests there is no significant difference between the Moritz map and the 2008 Cal Fire map, that some map had to be used, and that the Cal Fire map is as good a placeholder as any other possible choice until a future map can be selected.

But that suggestion is false. The Moritz map was selected in 2010 to serve as the basis for the General Plan’s fire prevention policies precisely because it provides a far more accurate assessment and depiction of the severity and extent of our wildfire hazards than the discredited 2008 Cal Fire map.

The false equivalency suggested by the Mayor (“almost as out-of-date as the old Cal Fire map”) overlooks the vast differences in resolution, calibration, and field-proofing that distinguish the Moritz map from Cal Fire’s 2008 map. Even more importantly, it ignores the vast differences in severity and extent of wildfire hazards depicted by the two maps. And it also ignores the fact that the Moritz map has served for 12 years as the centerpiece and foundation on which the Town’s wildfire prevention and land use policies are based.

The contrast between the discredited Cal Fire map and the Moritz map could not be more stark. As noted above, the Cal Fire map depicts 6% of town as very high hazard, 0% as high hazard, with less than 10% of the town's population immediately exposed to the hazards it depicts. In stark contrast, the Moritz map shows 40% of town as highest hazard, 49% as high hazard, with more than over 80% of the town's population immediately exposed.

So why are we backpedaling? Why are we substituting a map that our fire professionals reject as unsafe because it grossly understates and misrepresents our hazards and risks, for one that the same fire professionals recognize and accept as the best available assessment of those hazards and risks?

Is it because an accurate and reliable assessment of the severity and extent of wildfire hazards in town would constrain and affect the location and extent of permissible development that might otherwise occur? Or entail extensive fire prevention, evacuation and suppression resources and measures that would otherwise go unaddressed and unfunded in the absence of such hazards? Or cause both residents and safety officials to call for even more prudent constraints on future development of town? Shouldn't the Planning Commission ask and seek candid, clear answers to those pressing questions?

State law, our own General Plan and our Municipal Code all regulate the location, extent and nature of development that may occur within town based on the geologic and wildfire hazards such development would entail. By jettisoning an accurate and candid assessment of the severity and extent of those hazards, and substituting instead a less accurate or misleading depiction of those hazards, are we eliminating or sidestepping the regulatory constraints and policies designed to protect our public safety?

At the very least, the Commission should direct staff to base any assessment of the environmental impacts of its proposed policy and zoning changes, programs and development projects on the assessment of wildfire hazards already approved and adopted in our General Plan. There is no reason or excuse for anything less.

4. What Does All This Tell Us About Our Local Decision-Making?

As we consider whether to approve the draft Housing and Safety elements prepared by the Town, the interplay between public safety policy and public housing policy is an important nexus that requires careful, informed consideration by all of us. Some people believe that public safety, and in particular wildfire prevention, are important reasons to contest or reject some of the housing policies and proposals being advanced. Others believe the need for additional housing outweighs all other concerns.

The interplay of those conflicting priorities and the difficult choices it requires distracts us from a different and, I believe, more fundamental point: whether or not we build hundreds of new homes in Portola Valley over the next 10 years, we urgently and candidly need to address the public safety implications of a rapidly worsening set of climatic conditions, public policy choices and private behaviors that are creating extreme wildfire hazard for our community.

RHNA may or may not exacerbate the impact of those hazards, but it underscores the pressing need to acknowledge candidly the hazards we confront, to act now to address them, and to reject any attempt to mischaracterize or ignore them. Denying those hazards, ignoring them or acting as though they do not matter, is very BAD policy and foolish governance. It will produce very bad outcomes for all of us, especially as we build more and more housing in hazardous areas.

The notion that our local government would choose to delete a suspected fault from our geologic safety map, or substitute an inaccurate and misleading depiction of wildfire hazard for a far more accurate and reliable depiction of those hazards is, at best, very foolish. At worst, it is extremely disingenuous and misleading. Such foolish or deceptive choices should not be condoned. Nor should we waste precious time and large sums of public money to pay staff and consultants to write plans and develop policies that are intentionally predicated on false and dangerously misleading premises.

Yes, our geologic and wildfire hazard maps matter. They directly affect our future safety and well-being. But just as importantly, the integrity and candor with which those maps are prepared and used also affects the health and well-being of our polity. Will we govern ourselves honestly and candidly?

5. Does the IS preclude or replace CEQA review of development projects that seek to implement or take advantage of the changes being proposed?

According to page 14 of the Initial Study:

"Implementation of the project would require amendments to the General Plan and to the Town's Municipal Code. These amendments are included as part of, and would be adopted at the same time as, the project. Upon adoption, the Housing Element Update and the Safety Element Update would replace the existing Elements.

"This IS/MND is intended to provide the information and environmental analysis necessary to assist the Town in considering all the approvals and actions necessary to adopt and implement the project."

Given the inclusion of pipeline, pending and site development projects within the scope of the "project" as defined (IS at 3-13), does the highlighted language from the Initial Study mean that the it would fulfill or supplant any need for completion of the pending EIR for the Stanford Wedge? Or preclude or fulfill CEQA review of other similar projects, such as Ford Field, Glen Oaks or the Nathorst triangle?

If the answer to that question is NO, then the Initial Study should be amended to make clear that nothing in it is intended to fulfill, eliminate or reduce the applicability of CEQA to any development project within town, or the need for and propriety of an EIR for such development projects. If the answer to that question is YES, the Initial Study should be rejected.

Rusty Day

11/15/22

To: Planning Commissioners: Ann Kopf-Sill, Jon Goulden, Judith Hasko, Nicholas Targ, Craig Taylor

Re: Multi Use Zoning District at 4370 Alpine & 4394 Alpine : Planning Commission Meeting 11/16/22

Some of my neighbors and I walked the property known as 4370 Alpine with a development sketch prepared by Carter Warr. This sketch was previously presented to the Planning Commission at a recent meeting. When we compared the development sketch to the Nathhorst Area Triangle Plan Diagram (Section 6128 of the General Plan) it was alarmingly apparent that 100% of the proposed condos consisting of nine 1785 square foot units plus 2 ADUs or 11 structures were being placed on the Northern .84 acres of the lot that was specifically set aside in the Nathhorst Area Triangle Plan Diagram as “community park, open space, greenway and creek”.

Rather than speak directly to the development “sketch” as others will, I would prefer to speak about the idiosyncrasy of the lot, its prior uses and how those uses have been integral to the quiet enjoyment of the entire neighborhood in the Nathhorst Triangle Area and Applewood subdivision, and the preservation of wildlife habitat and the creek.

The Northern portion of the lot has always been encumbered by a triangular open space area of approximately .84 acres. A creek runs through it and it is a passage way for wildlife to safely cross over. Over many, many years back to the inception of the neighborhood this open space area has benefitted the neighborhood and the natural environment. Development as professional offices was in the front of the lot, set back 75 feet from the scenic corridor along Alpine Road. Behind the offices was a tennis court and beyond that open space encapsulating a creek.

The Nathhorst neighborhood open space located at 4370 Alpine has always existed in a wholly non -developed state, acts as a noise barrier, and a buffer from light spill from the nearby commercial establishments and preserves the Windy hill vistas enjoyed by the entire residential neighborhood. It also protects the creek that runs inside the designated open space. The Town fathers and mothers in all probability saw the necessity for this open space to protect the residential portion of the Nathhorst Triangle Area from adverse commercial impacts and as a greenbelt for people and wildlife. They labeled it community park, open space, greenway and creek on the Nathhorst Triangle Area Diagram (Section 6128 of the General Plan) in order to preserve it.

The Nathhorst neighborhood takes on the immediate geographical burden of the commercial development which benefits the entire town. In return a small piece of private land was set aside to protect it. Make sense? Of course, it's good planning. Taking this buffer away and replacing it with 9 market rate units plus 2 ADUs totaling 11 units on .84 acres of open space is bad planning. Why are we doing this? Merely to achieve market rate housing. This enriches one landowner to the detriment of many. This open space area was designated for many reasons and should not be taken away from the neighborhood by arbitrary adverse zoning that is not necessary to accomplish the intended goals of RHNA. It is not in keeping with the density of the development around it which is one house per acre, nor has it been shown to comply with CEQA because the environmental impact of building on open space that serves as creek preservation, vista preservation, wildlife refuge and greenway has not been studied.

11/15/22

It is important to remember that open space may be on private land or public land but whether it is on either and no matter the size of it, it is protected equally. Section 2207 of the Open Space element at page 5 states:

“Size is not a limiting factor for open space, nor is public ownership necessary. In Portola Valley, concern for the preservation of open space should include all scales of open space from hillside watershed areas of large expanse to natural and landscaped areas on residential and other developed properties.”

Let's not ignore the creek that is completely encompassed within this designated open space area. Although not by name, the creek is mentioned and protected in the Nathhorst Area Triangle Area of the general plan Section 6106 (e) Page 3

“ Principles: Section 6106 “Excessive grading shall be avoided and attractive natural features such as the creek shall be preserved and enhanced”.

The State of California Guidelines for General Plans as revised in 2017 and codified in Governments Code Section 65041.1 (b) includes protection of the state's natural resources including watersheds, wetlands, wildlife habitats, parks, trails, and greenbelts.

Government Code Section 65041.1 (b)

“The state planning priorities, which are intended to promote equity, strengthen the economy, protect the environment, and promote public health and safety in the state, including in urban, suburban, and rural communities, shall be as follows:

. . . (b) To protect environmental and agricultural resources by protecting, preserving, and enhancing the state's most valuable natural resources, including working landscapes such as farm, range and forest lands, natural lands such as wetlands, watersheds, wildlife habitats and other woodlands, recreation lands such as parks, trails, greenbelts, and other open space, and landscapes with locally unique features and areas identified by the state as deserving special protection.”

The government code section mentions “greenbelts”, “open space” and “parks” as worthy of mandatory protection. The Nathhorst Triangle Area open space is defined within the key to the Nathhorst Area Triangle Diagram as “community park, open space, greenway and creek”. It behooves the planning commission to stop and think what they are about to destroy by amendments to the General Plan and adverse zoning. Solving the RHNA problem by creating an environmental problem is not a solution.

Principle 9 of the Open Space Element of the Portola Valley General Plan Section 2213 at page 7 of the Open Space Element states:

“Open space along creeks, streams and scenic trails should be protected from encroachment through flood plain zoning, development setbacks, conservation easements, public acquisition of stream sides and other appropriate devices which will help preserve them in essentially their natural state.”

It is important to mention that the Nathhorst Triangle neighborhood is not against the development of 4370 Alpine or 4394 Alpine and is certainly sympathetic to the task of the Town Council in satisfying RHNA requirements. We only ask that it be done wisely and not in an arbitrary fashion without careful attention to the general plan or the environment nor should it trample the beneficial rights that were graciously bestowed upon the neighborhood at the

11/15/22

inception of the town. Shortly, the neighborhood will be submitting a petition against the proposed zoning and requesting that (1) the zoning remain the same or (2) if the zoning is changed to multi-use then open space shall be preserved in its current state. Suggestions regarding floor area, height, setbacks, lighting and landscaping will be addressed.

Respectfully submitted,

Caryl Russell

TO: PLANNING COMMISSION
FROM: BILL RUSSELL 200 NATHHORST AVENUE

How did we get here and where do we go next?

The state of California requires our town to provide an inventory of 253 units. We have provided an inventory of 293 units, forty more than required by the state. The rationale for providing more: the state may request a buffer in case not all of the proposed units are constructed in the cycle. The response to the rationale: the state has no jurisdiction to require a buffer; i.e. if the state approves the 253 units then the state cannot reject our draft element because we have not provided a buffer. And there is nothing in the state's November analysis of our proposal that suggests that the state would reject an amendment that reduces the buffer. If we adhere to the state's arbitrary buffer it forces us to make bad choices.

What does any of this have to do with the proposed zoning of 4370 and 4394 Alpine and their potential development?

4370 CONSISTS OF OFFICE BUILDINGS AND VACANT LAND

1. The Portola Valley General Plan requires that proposals for development be of a kind that is supportive of and consistent with existing nearby structures. 4370 is part of the 27 home neighborhood known as Applewood/Nathhorst Triangle. That neighborhood is entirely comprised of single story homes on one or more acres. There are no three story structures anywhere in the neighborhood. There are a few two story homes but even those are geographically and visually removed from neighbors. The vast bulk of the residents are single story. The most recent housing in the neighborhood is on Veronica Lane. Both parcels are greater than one acre. On each parcel there is a single story residence.

2. The Portola Valley General Plan requires that proposals for development consider the environmental and other impacts on those existing structures in reasonable proximity to the proposed project. 4370 consists of office buildings and vacant land. That portion of 4370 that consists of potentially developable vacant land is immediately adjacent to and literally backs up to one-story single family residences in the Nathhorst/Applewood Neighborhood. Additionally, all of the 4370 vacant land fronts on Nathhorst Avenue which is already lined with homes extending on Nathhorst from Alpine Road back into the subdivision. To the extent that one picture is still worth a 1000 words each of us should get up out of our chairs and walk from the corner of Alpine and Nathhorst down Nathhorst. The vacant land of 4370 with its battered, unused tennis courts is easily accessed from Nathhorst. Just stand on the courts and imagine one or more three story structures on the site while considering the visual and economic impact on the 27 homes of this neighborhood.

2. CEQA demands that there be no significant environmental impact from the proposed development that cannot be mitigated. No environmental impact study has been done to determine the presence or absence of environmental impacts on the Applewood/Nathhorst Triangle Neighborhood. In fact, the Urban Planning Partners' study does not even recognize the 27 home neighborhood as a separate entity or neighborhood worthy of discussion. The Report references other, different neighborhoods but not the one most affected by a three story development. The failure to even recognize the existence of the neighborhood is a fatal flaw to the report. In its place there is a generalized, global statement that the entire Draft Element does not represent significant environmental issues. It is still the rule that the whole is at least the sum of its parts.

TO: PLANNING COMMISSION
FROM: BILL RUSSELL 200 NATHHORST AVENUE

4. The owner of 4370 has provided to the commission a “concept” drawing for 11 separate two story units on .8 acres of his vacant land. The entirety of the .8 acres is located on dedicated open space. The entirety of the .8 acres runs along Nathhorst Avenue (not Alpine Road) in the middle of the Applewood/Nathhorst Triangle Neighborhood where the economic and visual impact of the development will be greatest. The concept drawing calls for a 15 foot separation between the 11 structures while the most recent fire safety analysis calls for a 30 foot separation. There is no turn around for fire trucks, again necessary for safety. There is a creek running through the .8 acres and extending into adjacent property owned by others. The proposed 11 unit project does not propose any setback from the creek and, in fact, fails to offer any mitigation efforts to protect the creek. The General Plan references this creek and advocates for its protection.

Solutions to the above problems:

Proposed Solution Number One;

I. File an amendment with the state removing the nine 4370 units from RHNA or simply delete the reference to 4370 in the next element proposed to the state. If this is done, there will still be 284 units proposed which is 31 more than the required 253 units. There is no harm because the state will be reviewing the final, proposed element over a four month period following submission and the town will be in touch with the state along the way. If the state offers an objection to the proposal of 284 units then the town will have ample opportunity to respond. Since we now know that 293 units is acceptable to the state, what is the likelihood that 284 would suddenly become unacceptable? I

In considering the possible removal of 9 units from the RHNA numbers, it is important to remember that these are market rate units which, if constructed as proposed, would likely sell for between \$1.7 and \$1.9 million, certainly not “affordable” housing by any definition. Is there a dearth of such housing in our community which commands such development? And if market rate housing is indeed required by the state, cannot that easily be accomplished by market rate ADUs with far less impact on the neighborhood.

2. Do not make any changes to the zoning of 4370 at this time. In all of the meetings that have occurred and in all of the written submissions to the commission, no one in the town has been in favor of a mixed use three story complex. If and when the owner of 4370 finalizes his development plans, he can make application to the building department like all other residents and be subject to the same scrutiny as everyone else in the town.

Proposed Solution Number Two

If the issues surrounding the dedicated open space and creek on this property can be resolved, then adopt a zoning ordinance that limits the number of units to 4 (which at 2.4 acres will achieve the desired nine units) and place realistic limitations on height (possible two stories for units that are distanced from Nathhorst Avenue and immediate neighbors), setbacks, density, and fire safety.

TO: PLANNING COMMISSION
FROM: BILL RUSSELL 200 NATHHORST AVENUE

4394 ALPINE

4394 backs up to single family residences in the Applewood/Nathhorst Neighborhood just as does 4370. A three story structure on 4394 or 4370 have many of the same problems. In one sense, however, 4394 is an easier problem to solve and in another sense 4394 is harder. It is somewhat easier to solve because 4394 fronts entirely on Alpine Road, thus avoiding the problem of 4370 and its immediate proximity to multiple homes along Nathhorst Avenue which is the gateway entrance to the Applewood/Nathhorst Neighborhood. Yet, it is a harder problem than 4370 because the California Government Code mandates that any proposed RHNA property that is vacant land must be accompanied by evidence showing that the property will be developed as proposed. No such showing can be made for 4394 because the town does not own the land and the owner of the property has repeatedly said that he is currently unsure what he will be doing with the property. Further, the state in its November Report has already said that it wants something more from the town to demonstrate that its designation is more than just a wish list. The state does not specify what "it" is.

Unlike 4370, 4394 is represented to the state as 23 units, far more than 4370. Assuming that the town does not want to simply remove 4394 from its proposal, without something else to be put in its place then there seem to be a few possibilities:

Solution Number One:

Obtain a letter of commitment from the current owner to develop his property along the general lines outlined in the draft element or convince the state that the town intends to offer reasonable incentives to a developer for development of the property. But then, for protection, the zoning ordinances could not stop at 20 units per acre but must have very specific limits on height (maximum two story but only when reasonably removed from the existing homes in the Nathhorst/Applewood Neighborhood) plus density/housing separation, fire, and set back limitations.

Solution Number Two:

Acquire 4394 by eminent domain or by agreement with the current owner, who has already received a benefit from the town in the approval of Willow Commons. As the owner, the town can then make honest, enforceable representations to the state concerning future development.

Solution Number Three

I know it is late and everyone wants to go home but, truly, the best solution is to place the housing on land already owned by the town: the road remnant and the town center. Both are far, far superior to 4370 and 4394.

Thanks for considering these comments.

Bill Russell

To: Planning Commission
From: Bob Turcott
Date: November 16, 2022
Subject: Agenda Item #1, Nov 16, 2022 Planning Commission meeting

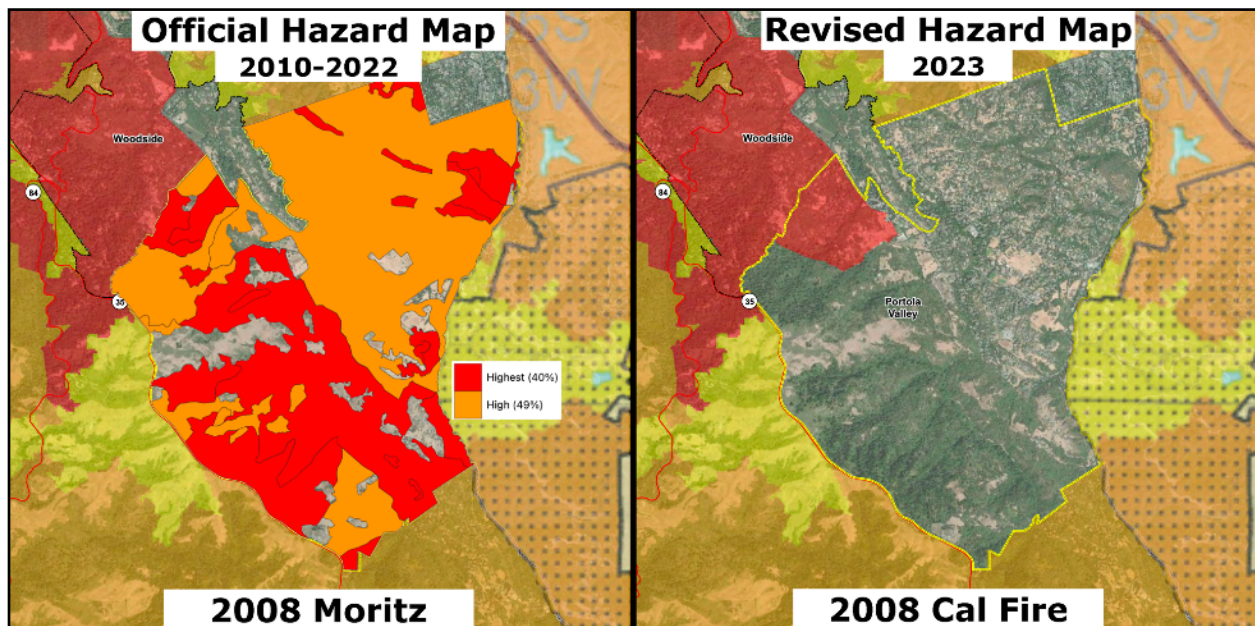
The changes to Portola Valley's General Plan significantly dial back safety provisions, and in so doing, increases the risk to the lives and property of residents.

By what authority did staff ignore the official fire hazard map in our General Plan and instead inform the CA Dept of Housing and Community Development (HCD) that the 2008 Cal Fire map represents our fire hazards? What is the reason for selecting such an "inaccurate" and "unsafe" map? What is the reason for eliminating existing fire safety policies from large areas of Portola Valley?

Despite repeated queries, we still don't know the answers to these questions.

The Initial Study (IS) simply ignores the reality of the fire hazards we confront. The IS contrives a reality that doesn't exist. It simply assumes the contrived reality as a premise, and on the basis of that contrived reality sees no need to candidly acknowledge or evaluate the significant impacts that the revisions to the General Plan impose. Indeed, by pretending a discredited hazard map represents our hazards, an Initial Study, rather than an Environmental Impact Report, is misleadingly deemed to offer adequate analysis, and the mitigations it identifies are misleadingly deemed to be adequate.

Basing an assessment on a false reality does no good. It is a meaningless exercise.



The proposed changes to the General Plan include replacing the existing fire hazard map - the most accurate fire hazard assessment we have - with the "inaccurate" and "unsafe" 2008 Cal Fire map. Along with this change, fire safety policies are eliminated from 83% of Portola Valley's areas.

1. The 2008 Moritz study is the most accurate fire hazard assessment we have.

The superiority of the Moritz analysis was confirmed by Fire Marshal Don Bullard¹ and Portola Valley's fire safety consultant Zeke Lunder² at the Jan 18, 2022 Housing Element Committee meeting. Both fire safety authorities indicated that, if anything, the 2008 Moritz map understates, not overstates, our hazard.

2. The 2008 Cal Fire map grossly understates our fire hazard. It is "inaccurate" and "unsafe."

Showing just 6% of Portola Valley's area as Very High Fire Hazard Severity and 94% of the Town's area as without fire hazard, the 2008 Cal Fire map is clearly a gross misrepresentation of our hazard. In contrast, Moritz documented that 40% of Portola Valley is Highest Hazard (corresponding to Very High Fire Hazard) and 89% is above moderate hazard.

The Woodside Fire Protection District (WFPD) characterizes the 2008 Cal Fire map this way:

"The district does not approve of or support the use of the limited CalFire map from 2008 as it is too old and too limited based on our assessments. You may recall that the district rejected this map as too limited even back in 2008. It is not a safe and accurate map to approve in 2022 either." Matt Miller, WFPD Board President (January 20, 2022).³

3. The Moritz map is the most accurate we have because of the detailed and precise methodology from which it was derived.

At the Feb 1, 2022 Wildfire Preparedness Committee meeting, Ray Moritz compared his methodology to that of Cal Fire.⁴

In contrast to Cal Fire's statewide analysis covering 100 million acres, which was necessarily limited to remote analysis with coarse (20-200 acre) resolution, Moritz's was high resolution (5 acre) and ground verified.


¹ Addressing the Housing Element Committee on January, 18, 2022, Fire Marshal Don Bullard indicated that the Moritz map is the most accurate depiction of our wildfire hazard and, if anything, understates rather than overstates our hazards. (3:24:59-3:26:58 <https://www.youtube.com/watch?v=0WzWCtAelms&t=12299s>)

² Addressing the Housing Element Committee on January, 18, 2022, in reference to the Moritz map the Town's current fire safety consultant Zeke Lunder said: "It's a good map... But it's 13 years old. ... If I were to draw the red circles on the map, my map would have more red on it." (3:49:49-3:50:08 <https://www.youtube.com/watch?v=0WzWCtAelms&t=13789s>)

³ September 13, 2022 memo from WFPD Fire Marshal Bullard, included in the agenda packet for the October 26, 2022 Joint Committee Meeting on Safety Element revisions. <https://www.portolavalley.net/home/showpublisheddocument/16702/638019370323030000>

⁴ <https://www.youtube.com/watch?v=DKpGpPiqUPw&t=156s>

Cal Fire vs Moritz Fire Hazard Analysis



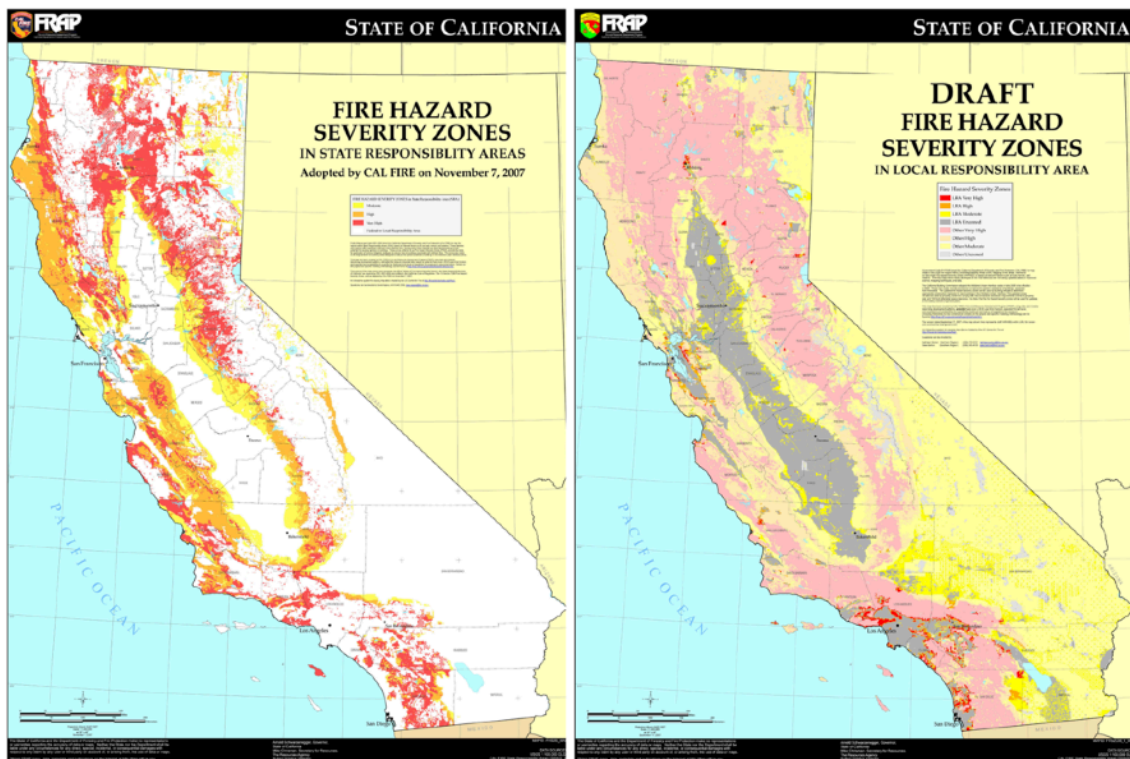
Raymond Moritz

Fire Behavior Factors	Cal Fire 100 million acres	Moritz 5,800 acres
Project Survey	Aerial Only	Aerial – Ground Truthing
Resolution	20ac Urban / 200 ac rural	5 ac/∞
Slope	< or > 20%	0 % to 50+%
Aspect	Not Considered	SE (mod), S (high) SW (very high) NW (mod), NE (low)
Ascending Drainages “Chimneys”	Not Considered	Included
Vegetation Fuel Types	5	11 (compared to NFFL Models)
Developmental Stage	Not Considered	Low, Mod, High, Extreme
Burnability	Based on perceived density	Based on NFFL Fuel type, both canopy & undergrowth densities and development stages

While Cal Fire ignored or averaged out the very topographical features that contribute to our high fire hazard, Moritz used a rich characterization of our topography, including high resolution characterization of slope (0-50%), aspect, and higher order features such as topographical chimneys. Cal Fire ignored such fundamental contributors to fire hazard.

Much more than a “vegetation map”, Moritz’s analysis yielded a detailed, high-resolution, and accurate characterization of the fire hazard severity throughout our town.

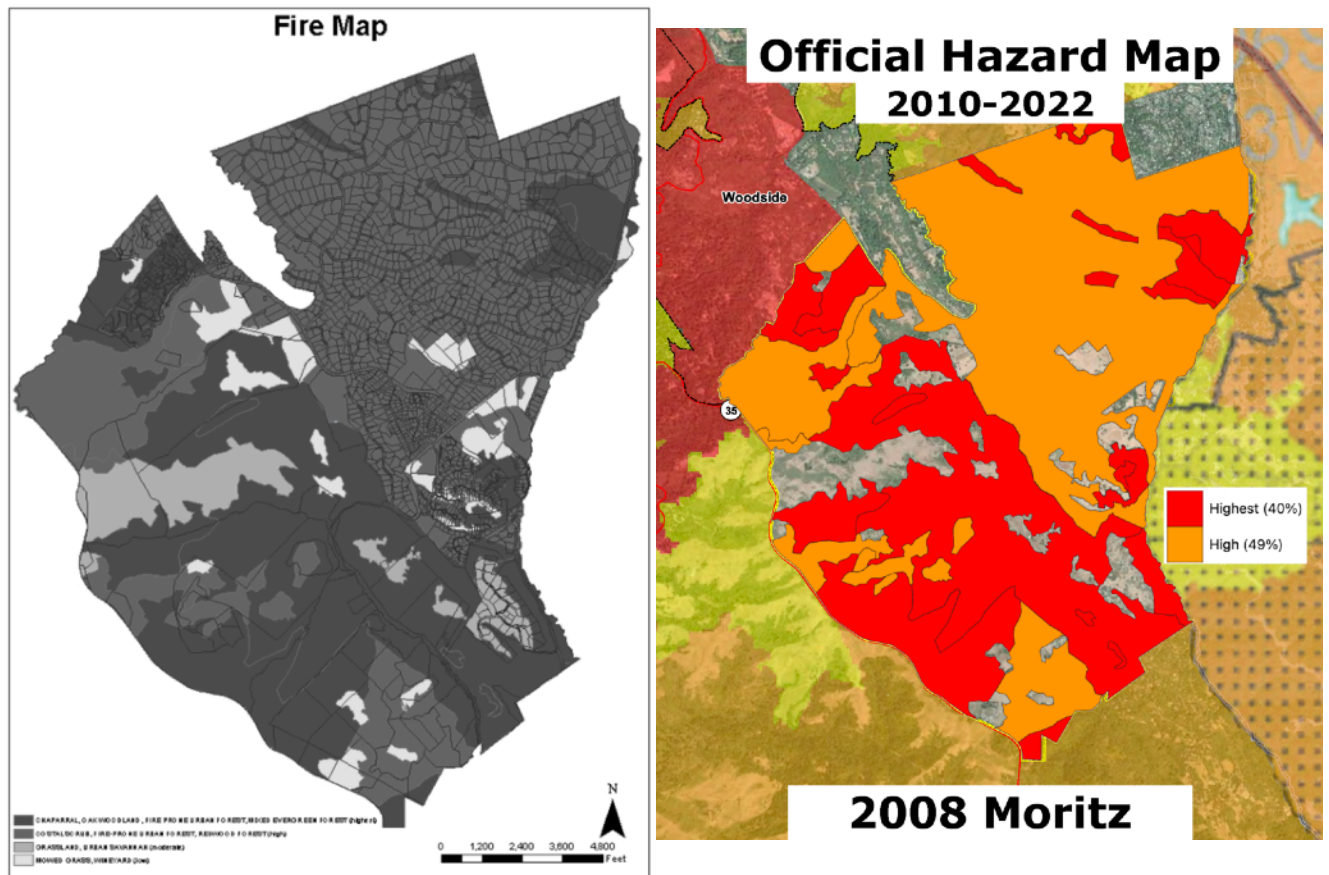
Since Portola Valley represents less than 1/100th of 1% of the area Cal Fire mapped, it’s no wonder that its remote, coarse assessment was deemed to be “inaccurate” and “unsafe” by our Fire District.



4. Since 2010, the Moritz map has served as the official fire hazard map of our General Plan. Our fire safety policies have been defined in terms of the hazardous areas identified by Moritz.

The clear superiority of the Moritz map was recognized at the time. Cal Fire endorsed Moritz's approach⁵ and WFPD endorsed Moritz's findings.⁶

The Moritz map was adopted as our official Fire Hazard map in 2010, and has provided the basis for many of our fire safety policies since then.



Source: Data derived from 2008 Fuel Hazard Map. Moritz Arboricultural Consulting, Inc.

The 2008 Moritz map, as it appears in Portola Valley's current Housing Element as the Town's official fire hazard map (left). Moritz map with High and Highest Hazard areas color-coded orange and red, respectively, for readability (right). According to Moritz's analysis, 49% of Portola Valley's area is High fire hazard and 40% of its area is Highest Hazard.

⁵ Leslie Lambert, Planning Manager, May 13, 2009 memo to the Town Council, page 3 paragraph 2. <https://drive.google.com/file/d/1nvflanX-Y3I0-fe2VbqOY8UoWRStlmo/view>

⁶ George Mader, Town Planner, April 18, 2008 memo to the Town Council: "Mr Moritz and the WFPD are in agreement with the categories that represent the fire hazard potential in the town." Page 3. <https://drive.google.com/file/d/1jklWr36M1eK8CqUJ9-NYuxpgg1XtR59J/view>

5. Replacing the Moritz map with the “inaccurate” and “unsafe” 2008 Cal Fire map removes fire safety policies from 1/3-83% of Portola Valley’s area.

To be clear, not all fire safety policies are removed from extensive areas within Portola Valley. Rather, only the most restrictive policies - those reserved for our most hazardous areas - are being eliminated.

For example, Policy 1 applies to 40% of Portola Valley’s area and has been in place in our Safety Element since 2010:

“Do not construct buildings for human occupancy, critical facilities and high value structures in areas classified as having the **highest fire risk** unless it is demonstrated that mitigation measures will be taken to reduce the fire risk to an acceptable level.”

The draft revisions to the Safety Element would replace it with Policy P-37, which applies to 6% of our area:

“Promote new development outside of the Very High Fire Hazard Severity Zone. If development is proposed in the Very High Fire Hazard Severity Zone, require fire safe design and compliance with fire safe regulations contained in Title 14 of the California Code of Regulations. If vegetation management hazard mitigations are required as a condition of building permit approval, the developer shall sign a maintenance agreement or provide a funding source for future maintenance of the required mitigations.”

Not only is the applicable area greatly restricted — from 40% of Portola Valley’s area currently to a mere 6% — but the language is significantly weakened — from “Do not construct buildings for human occupancy ... unless mitigation measures” adequately reduce risk to “Promote new development outside VHFHSZs.”

Policy 2, which articulates the requirements of a pre-approval study, will be eliminated from 83% of Portola Valley’s area.

Please see the attached spreadsheet for a fuller comparison of proposed revisions to existing policies.

6. An “inaccurate” and “unsafe” fire hazard map is being adopted without explanation.

When asked why the Moritz map is being replaced by Cal Fire’s, Mayor Hughes replied:

“We can’t just come up with a map out of thin air. The Moritz map is almost as out-of-date as the old Cal Fire map. So the map that’s in the Safety element draft is really a placeholder for now until we get a more updated one.”⁷

But that’s not an explanation. That’s simply a statement that the change is being made.

Town Attorney Silver made a similar statement in her August 31, 2022 memo:

⁷ <https://youtu.be/40KOWVQs2Vo>

“Because the [updated] maps likely will not be released in time, the Town is using the 2008 Cal Fire map as a placeholder in the Safety Element.”⁸

As with the Mayor’s statement, this does not give the reason for the change, it is simply a statement that the change is being made.

The closest we’ve come to getting an explanation for the decision to replace our fire hazard map came from the Planning Director during the October 26, 2022 Joint Meeting. The Planning Director indicated that, by State law, “we are required to analyze the Cal Fire Very High Fire Severity map.”⁹

In subsequent correspondence with the Chair of the Emergency Preparedness Committee, the Planning Director identified California Government Code 65302(g)(3)(A)(i) as the basis for adopting the Cal Fire map.

However, reviewing the language of the Code reveals that adoption of the 2008 Cal Fire VHFHSZ map is **not** a requirement. Rather, **consideration** of the map is required.:

65302(g)(3) Upon the next revision of the housing element on or after January 1, 2014, the safety element shall be reviewed and updated as necessary to address the risk of fire for land classified as state responsibility areas, as defined in Section 4102 of the Public Resources Code, and land classified as very high fire hazard severity zones, as defined in Section 51177. This review shall consider the advice included in the Office of Planning and Research’s most recent publication of “Fire Hazard Planning, General Plan Technical Advice Series” and shall also include all of the following:

*(A) Information regarding fire hazards, **including, but not limited to**, all of the following:*

*(i) **Fire hazard severity zone maps available from the Office of the State Fire Marshal.***

(ii) Any historical data on wildfires available from local agencies or a reference to where the data can be found.

(iii) Information about wildfire hazard areas that may be available from the United States Geological Survey.

(iv) General location and distribution of existing and planned uses of land in very high fire hazard severity zones and in state responsibility areas, including structures, roads, utilities, and essential public facilities. The location and distribution of planned uses of land shall not require defensible space compliance measures required by state law or local ordinance to occur on publicly owned lands or open space designations of homeowner associations.

⁸ <https://drive.google.com/file/d/1T2uJ6mYfbU7rTPp68J77FP0jdJLu51zO/view>

⁹ <https://youtu.be/HfXTCJN6eNE?t=3390>

(v) Local, state, and federal agencies with responsibility for fire protection, including special districts and local offices of emergency services.¹⁰

In other words, 65302(g)(3)(A)(i) does not require the Town of Portola Valley to adopt the 2008 Cal Fire map as its official fire hazard map, nor does it require us to base our fire safety policies on this “inaccurate” and “unsafe” depiction of our fire hazards. Rather, it states that, at a minimum, the discredited Cal Fire map must be considered and included.

7. Unresolved questions:

Why did the Town Council direct staff to replace the most accurate depiction of fire hazards that we have — the 2008 Moritz map — with the discredited, “inaccurate” and “unsafe” 2008 Cal Fire map as our General Plan’s official fire hazard map?

Why does staff propose to limit our fire safety policies to the areas defined by the erroneous 2008 Cal Fire map, and in doing so, eliminate these policies from up to 83% of Portola Valley’s area?

By what legal authority was the official fire hazard map in our General Plan changed before the revised Housing Element was submitted to HCD?

¹⁰ https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV&division=1.&title=7.&part=&chapter=3.&article=5.

Safety Element Comparison - Fire Safety Policies

2010 Policy Number (pg 22)	Policy	Applies to	PV Area	2023 Policy Number (pg 37)	Policy	Applies to	PV Area
1	Do not construct buildings for human occupancy, critical facilities and high value structures in areas classified as having the highest fire risk unless it is demonstrated that mitigation measures will be taken to reduce the fire risk to an acceptable level.	Moritz Highest Hazard area	40%	P-37	Promote new development outside of the Very High Fire Hazard Severity Zone. If development is proposed in the Very High Fire Hazard Severity Zone, require fire safe design and compliance with fire safe regulations contained in Title 14 of the California Code of Regulations. If vegetation management hazard mitigations are required as a condition of building permit approval, the developer shall sign a maintenance agreement or provide a funding source for future maintenance of the required mitigations.	Cal Fire VHFHSZ	6%
				P-39	Ensure new public/critical facilities (schools, hospitals, fire stations, etc.), are not located in High and Very High Fire Hazard Severity Zones, to the greatest extent feasible. If located in these areas, ensure full compliance with fire safe regulations and adequate fire response and evacuation capabilities.	Cal Fire High and VHFHSZ	6%
2	Prior to the approval of any subdivision of lands in an area of high fire risk, the planning commission should review the results of a study that includes at least the following topics: a) A description of the risk and the factors contributing to the risk. b) Actions that should be taken to reduce the risk to an acceptable level. c) The costs and means of providing fire protection to the subdivision. d) An indication of who pays for the costs involved, and who receives the benefits.	Moritz High and Highest Hazard area	89%	P-38	Prior to the approval of any subdivision of lands in a Very High Fire Hazard Severity Zone, the Planning Commission should review the results of a study that includes at least the following topics: o A description of the risk and the factors contributing to the risk. o Actions that should be taken to reduce the risk to an acceptable level. o The costs and means of providing fire protection to the subdivision. o The costs and means of providing ongoing vegetation management for the subdivision. o An indication of who pays for the costs involved, and who receives the benefits. o If a proposed building site requires access to adjoining parcels to maintain 100 feet of defensible space from the primary structure, an easement or other legal agreement for access should be required as permitted by law.	Cal Fire VHFHSZ	6%
3	Homeowners should provide adequate clearance around structures to prevent spread of fire by direct exposure and to assure adequate access in times of emergency and for the suppression of fire.	All	100%	P-43	Provide adequate clearance around structures to prevent spread of fire by direct exposure and to assure adequate access in times of emergency and for the suppression of fire.	All	100%
4	Adopt a town program to reduce fire hazards along the town's public roads.	All	100%				
5	Establish a public information program regarding fire hazards and how property owners can reduce such hazards. Utilize the Moritz report in this effort.	All	100%				

2010 Policy Number (pg 22)	Policy	Applies to	PV Area	2023 Policy Number (pg 37)	Policy	Applies to	PV Area
6	In locations identified as presenting high fire hazard, require special protective measures to control spread of fire and provide safety to occupants, including but not limited to types of construction and use of appropriate materials.	Moritz High and Highest Hazard area	89%	P-40	Continue to require new development to incorporate design measures that enhance fire protection in High and Very High Fire Hazard Severity Zones. This shall include but is not limited to incorporation of fire-resistant structural design, use of fire-resistant landscaping, and fuel modification around the perimeter of structures.	Cal Fire High and VHFHSZ	6%
7	When reasonable and needed, make privately owned sources of water, such as swimming pools, in or adjacent to high fire risk areas, accessible to fire trucks for use for on-site fire protection.	Moritz High and Highest Hazard areas	89%	P-49	Ensure access to privately owned sources of water, such as swimming pools, in or adjacent to high fire risk areas, for on-site fire protection use, if necessary.	Cal Fire High and VHFHSZ	6%
8	Establish street naming and numbering systems to avoid potential confusion for emergency response vehicles.	All	100%				
9	Design and maintain all private roads to permit unrestricted access for all Woodside Fire Protection District equipment.	All	100%				
10	Apply Chapter 7A of the California Building Code to the entire town to increase the resistance of buildings to fire ignition, and when reviewing developments under Chapter 7A, attempt to choose those materials and colors that are consistent with the visual aspects of the town.	All	100%	P-40	Continue to require new development to incorporate design measures that enhance fire protection in High and Very High Fire Hazard Severity Zones. This shall include but is not limited to incorporation of fire-resistant structural design, use of fire-resistant landscaping, and fuel modification around the perimeter of structures.	Cal Fire High and VHFHSZ	6%
				P-60	Require compliance with Chapter 7A requirements of the California Building Code and the Town's Home Hardening Code for all new development and substantial additions.	All	100%
				P-62	Require non-combustible roofs and exterior siding in all fire hazard areas.	All	100%
				P-66	Expand home hardening throughout the Town to reduce fire hazard vulnerability	All	100%
11	When undertaking actions to reduce fire risk by removing or thinning vegetation, homeowners should try to remove the most hazardous material while leaving some native vegetation to reduce risks of erosion, habitat loss and introduction of potentially dangerous invasive weeds.	All	100%	P-44	Vegetation management conducted by homeowners should remove the most hazardous plant materials while leaving adequate vegetation to reduce risks of erosion, habitat loss, and reduce the potential for invasive species introduction.	All	100%
				P-41	Require fire protection plans for new development and major remodels in areas designated as High and Very High Fire Severity Hazard Zones by the California Department of Forestry and Fire Protection or equivalent hazard designation in Local Responsibility Areas.	Cal Fire High and VHFHSZ	6%
				P-42	Require vegetation management plans in all new developments and major remodels.	All	100%

2010 Policy Number (pg 22)	Policy	Applies to	PV Area	2023 Policy Number (pg 37)	Policy	Applies to	PV Area
				P-45	Ensure open space brush areas, susceptible to wildfire risk, are adequately maintained in accordance with WFPD and applicable state requirements.	All	100%
				P-46	Encourage the use of fire-resistant vegetation for landscaping, especially in high fire hazard areas.	All	100%
				P-47	Require vegetation clearance and maintenance for all private roads and properties in the high and very high fire hazard severity zones.	Cal Fire High and VHFHSZ	6%
				P-48	Maintain and adequately fund fuel breaks and other fire defense improvements on public property and require similar measures for private property in compliance with fire safe regulations where possible.	Public - All Private - Cal Fire VHFHSZ	100% 6%
				P-50	Ensure that landscaping, lighting, building siting and design, water pressure and peak load water storage capacity, and building construction materials meet current fire safe regulations.[1]	Cal Fire VHFHSZ	6%
				P-51	Prioritize development in areas with sufficient water supply infrastructure and roadway capacity to ensure adequate evacuation and emergency equipment access.	All	100%
				P-52	Maintain and enhance water supply infrastructure to ensure adequate supplies for existing and future daily demands and firefighting suppression requirements.	All	100%
				P-53	Educate residents and property owners on proper water shut off procedures during a hazard incident or evacuation order.	All	100%
				P-54	Collaborate with WFPD to promote public awareness of fire hazards and safety measures, including outreach to at-risk populations, and identification of low-risk areas for temporary shelter and refuge during wildfire events	All	100%
				P-55	Ensure adequate fire suppression resources in the local responsibility areas, and coordinate with WFPD and Cal Fire to meet current and future fire suppression needs.	All	100%
				P-56	Identify fire defense zones where firefighters can control wildfires without undue risks to their lives, and areas where firefighter safety prohibits ground attack firefighting.	All	100%
				P-57	Pursue funding for fire prevention and suppression (State grant funds, hazard mitigation funds, etc.).	All	100%
				P-58	Become a Fire Risk Reduction Community through the State Board of Forestry and Fire Protection.	All	100%
				P-59	Building upon CAL FIRE's Fire Hazard Severity Zone maps, use local knowledge of wildfire hazard, landscape, housing, and infrastructure to develop a wildfire overlay or other similar regulatory tool for corresponding policies.	All	100%

2010 Policy Number (pg 22)	Policy	Applies to	PV Area	2023 Policy Number (pg 37)	Policy	Applies to	PV Area
				P-61	Require new developments and major remodels or renovations to comply with the California Building Code, Fire Code, and local ordinances for construction and adequacy of water flow and pressure, ingress/egress, and other measures for fire protection. Require endowments or HOA-type assessments to fund long-term maintenance of wildfire mitigations.	All	100%
				P-63	Work with WFPD to enforce regulations related to fire resistant construction, sprinkler systems, and early warning fire detection system installation and/or sirens.	All	100%
				P-64	All developments shall comply with the WFPD Fire Code and incorporate recommendations from the Santa Cruz County - San Mateo County Community Wildfire Protection Plan, where applicable.	All	100%
				P-65	New developments in fire-prone hillside areas, shall comply with statewide Fire Safe Regulations (see CCR, Title 14, Sections 1270 et seq.).	All	100%
				P-67	Incorporate updated WFPD fire hazard and risk assessment findings into the Safety Element.	All	100%
				P-68	Monitor new State laws that increase minimum building standards and expand the requirements to more areas within the Town, including high and moderate areas.	All	100%
				P-69	Upon the completion of the Structure Separation Experiments being carried out by National Institute of Standards and Technology (NIST), the Insurance Institute for Business and Home Safety, and Cal Fire on structure-to-structure ignition, consider science-backed approaches to addressing narrow setbacks. The Town may wait for State or WFPD guidance, implement findings into local building codes or provide voluntary guidance to residents.	All	100%
				P-70	Develop, monitor, and regularly update a program to educate and inform the public on local and state fire code, and fire safe regulations. Ensure that this program provides the latest information as provided by the Town, County, and the State. Use community-appropriate languages to ensure greater understanding by residents and visitors.	All	100%
				P-71	Support increased enforcement mechanisms and processes by WFPD to incentivize fire risk reduction activities and abatement.	All	100%

[1] Per P-37, Cal Fire's Fire Safe Regulations apply only to the 6% of Portola Valley's area that Cal Fire identified as VHFHSZ. Does P-50 apply throughout PV, or is it restricted to the area in which Fire Safe Regulations apply?

From: Nan Shostak

To: Portola Valley Planning Commissions

November 16, 2022

Dear Commissioners,

I have two comments on the Initial Study/Negative Mitigated Declaration (IS/NMD):

1. The IS/NMD is unclear as written. The document can be interpreted as taking priority over CEQA environmental analysis. The IS/NMD, if approved as written, could obviate any future CEQA investigation into individual development projects. Any developers, current or future, could argue that the finding of "no significant impact" for geologic and seismic hazard, for the totality of the Project (all developments taken together), applies to their projects; therefore, those projects would not be required to undergo environmental analysis. Reliance only on the geologic and seismic hazard provisions in the Safety Element will not be sufficient to insure geologic and seismic safety of future projects.

As an example, the developers of the Blue Oaks subdivision were required to trench across a mapped trace of the San Andreas fault. Their geotechnical consultant completed the trenching, but his report stated that he found no indication of faulting in the trench. The Town's requirements under the Safety Element were satisfied, and the developers were prepared to continue with their project as planned. At that point, individual residents of Portola Valley and Los Trancos convinced the Town that the report's conclusion was extremely improbable and the study should be redone. The Town then undertook a second trenching study, in which the San Andreas fault trace was found, exactly where expected. Only because the second review was done was a new home sited safely, and not over a known, active fault.

2. The IS/NMD refers to the 2017 revisions of the Town's Geologic and Ground Movement Potential maps as the authoritative maps for geologic and seismic hazard.

There are two issues here:

A. These maps are living, dynamic documents, not static. The IS/NMD--and the Safety Element as well—should always refer to the most current version of the maps, not to the static 2017 revision.

B. The Town's maps are interpretations of geologic and seismic hazards that should reflect the best and most recent evidence of hazard. The Town's maps have, however, increasingly and importantly diverged from the current geologic and seismic hazard maps of the California Geological Survey and the United States Geological Survey. For the Initial Study (and the Safety Element, on which the Initial Study depends), not only the Town's maps, but also the CGS and USGS maps, must be taken into consideration in determining hazard under town ordinances.

Sincerely,

Nan Shostak

Thomas Geisler

From: Town Center
Sent: Wednesday, November 16, 2022 1:40 PM
To: Thomas Geisler
Cc: Town Center
Subject: FW: Zoning Considerations at the Nathorst Triangle

From [REDACTED] >
Sent: Tuesday, November 15, 2022 4:50 PM
To: Town Center <TownCenter@portolavalley.net>
Cc: 'Ann Marie Draeger' [REDACTED]
Subject: Zoning Considerations at the Nathorst Triangle

Dear Planning Commission Members,

When deciding how safety should factor into the concentration of housing at the Nathorst Triangle, we think is instructive to review not just the experience of the Camp fire but the following result. This wasn't just a horrific fire that traveled miles in minutes and killed 85 people. On the eve of the fire, the population of Paradise was 26,917 people. In an instant, these people needed to be accommodated in other communities after 20,000 home and business structures were eliminated. Four years later, 21,564 are still living elsewhere as the June 2022 population of Paradise had only returned to 5,268. You might say our math is off by 85. Sadly, those are the people we no longer have to plan for in a California housing element. We hope you understand the point. If we build the wrong kind of WUI-facing community, what are we doing for needed housing? Knowing what we know about the similarities between WUI Portola Valley and WUI Paradise, placing 20 units per acre contiguous to other like-built properties is dangerous and maybe even negligent. The Nathorst/Applewood neighborhood could see up to or more than 67 new households clustered in the Nathorst Triangle. Imagine a fast-moving wildfire coming down from Skyline. Imagine the order for evacuation NOW! Imagine many of those new households moving in opposition to others so that they can first pick up loved ones at Corte Madera, or maybe Priory or Ormondale or the Sequoias. It will be complete and total chaos. Imagine having to live with this consequence of a poor decision today.

Please be sensible and without regret. Please do not allow 20 units per acre zoning at 4390 Alpine which could be built under state rules to have an overall total of 42 units. This is bad enough in any one place. Next to Willows Commons with its crowded and unhardened 13 Units and 4370 Alpine with an additional 12 units, it is a disaster for the entire town waiting to happen. Please do not allow 4370 Alpine to have a mixed-use designation which does nothing for housing except to force all of its designated 12 units on one half of the property while maintaining a wood shake roofed office building with wood siding on the other.

You have the ability to plan now to maintain for future generations the safe enjoyment of Portola Valley for all. We are hopeful you will be respectful of this awesome responsibility.

Peter and Ann Marie Draeger
3 Applewood Lane

Thomas Geisler

From: Town Center
Sent: Wednesday, November 16, 2022 1:41 PM
To: Thomas Geisler
Cc: Town Center
Subject: FW: Regarding 4370 Alpine Rd.

From: [REDACTED]
Sent: Tuesday, November 15, 2022 6:34 PM
To: Town Center <TownCenter@portolavalley.net>
Subject: Regarding 4370 Alpine Rd.

Hello Ann, Jon, Judith, Nicolas and Craig,

When you are considering any development on 4370 Alpine Rd., please keep in mind that from the Alpine Rd side of the creek to the rear of the property, the General Plan lists it as open space, greenway, creek, community park. Please find this information in the Nathhorst Triangle Area (NTA) Plan Diagram. Copy below.

This property is used all year for deer and other wild animals along with being a buffer of any development next to the adjoining residential properties.

Also, please consider that any development on this property would require an incorporation of no parking on Nathhorst in order for emergency vehicles or any other large trucks to drive through or to be able to turn into current driveways.

Thanks for considering these facts.
Ellen Vernazza

