

(VIA ELECTRONIC MAIL)

November 27, 2022

Laura Russell
Director, Planning and Building Department
Town of Portola Valley
Town Center
Portola Valley, CA 94028

RE: INITIAL STUDY/MITIGATED NEGATIVE
DECLARATION, GENERAL PLAN SAFETY AND HOUSING ELEMENT
AMENDMENTS

Dear Laura,

I write to add my voice to the chorus of requests for an extension to the public comment period for the above-referenced CEQA review. Rather than repeat the rationale of at least two prior letters on this topic, I set forth below two novel bases for my request.

First, an essential element of CEQA is to include public participation in the relevant Town decisions and this is accomplished via a public comment period, often including public meetings as well. Public participation is a mandated and essential component of CEQA. I remind you of CEQA Guidelines, Section 15201. The Guidelines make it clear that the Town must provide adequate time and opportunity for such public comment. A 30-day public comment period is the typical minimum comment period. But if, as here, even a single member of the public requests an extension in the period of time to provide comment, it is on the face of it, clear and unequivocal data that the time allowed at the outset was insufficient. The objection of even a single person indicates

the comment period was too short. The wisest and safest position for the Town at this point, ought to be to extend the public comment period.

Whether you agree with that premise or not, initiating a public comment period BEFORE the proposed project has been clearly described is also clearly inconsistent with obtaining meaningful public comment.

The question then becomes one of determining how much additional time for public comment is warranted for the Town. Typically, the public comment period is triggered by the release of an environmental document, like the Initial Study/Mitigated Negative Declaration here. However, on the administrative record prepared by the Town, the release of that document, on its face, was not an appropriate start date for public comment. The public could not provide meaningful public comment until Town completed and circulated the underlying description of the "proposed project" under the IS/MND. That date was November 21, 2022 when the Town provided the Public Release of Draft General Plan Amendments Required to Conform with the Housing Element.

Thus, an appropriate public comment period would end 30 days after the release of the General Plan Amendment, (i.e., the proposed project), set forth in the November 21st document. Please extend the public comment period 30 days beyond that date to December 21, 2022.

I realized the elephant in the room is the statewide regional housing law. However, nothing in that statute relieves the Town of its duties under CEQA.

Regards,

Lynda L. Brothers

A handwritten signature in blue ink, appearing to read "Lynda L. Brothers", written over the printed name.

Submission Recorded On 11/30/2022 10:12 AM

Time to Take the Survey 3 minutes, 13 secs.

Page 1

1. First and Last Name

Ronny Krashinsky

2. Email address (will not be publicly displayed)

3. Organization (Enter name of organization, business, or non profit if you are submitting comments on their behalf.)

Not answered

4. Comment (If you are uploading a document with your comments you do not need to copy them here also)

Regarding Policy P-1:

"P-1 Consider all faults shown on the Town's Geologic Map and Ground Movement Potential Map, adopted by Resolution 2746-2017 during the review of development applications. Required setbacks for buildings for human occupancy illustrated on the Ground Movement Potential Map (Figure 3) should be adhered to and reflected in the Town's zoning ordinance."

This policy appears to be too stringent. On the face of it, it would completely outlaw buildings for human occupancy in fault zones. Several properties in Portola Valley are entirely covered by fault zones though, so we need a more nuanced policy.

The referenced Resolution 2746-2017 does in fact permit development in hazard zones when the hazards are sufficiently mitigated. For example there is Section X: "Land Use Policies - Deviations for buildings employing an engineered design".

And in comparison, Policy P-3 takes a more measured approach by provisioning for site-specific fault investigations:

Also, any proposed new living space within a fault setback (consistent with the Pf Zone illustrated on the Town Movement Potential Map) should be supported by a fault investigation.

It seems similar text should be added to P-1.

Minor comment: The Ground Movement Potential Map is actually Figure 4 in the document, not Figure 3 mentioned in P-1.

5. Optional: You can upload a copy of your comments.

PORTOLA VALLEY GEOLOGIC SAFETY COMMITTEE

QUESTIONS REGARDING THE DRAFT SAFETY ELEMENT

DECEMBER 2, 2022

The Geologic Safety Committee's questions regarding the *Town of Portola Valley Safety Element Update: Public Review Draft*, dated October 2022, fall into five general categories:

1. Lack of transparency about geologic information compiled by the town (e.g., lack of access by the Geologic Safety Committee and the town residents)
2. Failure to: (1) address the probability of multiple hazards occurring simultaneously and (2) develop strategies to manage such simultaneous hazards
3. The restriction of policies and actions for several critically important safety requirements to only new construction and new infrastructure, whereas these policies and actions should apply universally
4. Lack of adequate source citations; key terms not defined; geologic hazard topics not well integrated
5. Lack of direct correspondence between maps, tables and policies/actions

GENERAL QUESTIONS

1. Where and when will all questions from all the safety committees be publicly available, whether or not they received written responses from the Town?
2. Where on the town website are all the safety committee comments that were submitted last spring posted?
3. Questions on the Safety Element approval process:
 - a. Who will write the detailed final content of the Safety Element?
 - b. Can specific Town Committees which have relevant knowledge and responsibility be included in the process to determine the final content?
4. Should we pause initiating major housing projects until the Safety Element and the Housing Element are both approved?

5. What is the best way to include in the Safety Element a policy that requires all geologic/geotechnical mapping, data, and reports, both existing and future, be: (1) regularly indexed (by year, location, and type of report), (2) readily available to the public in digital form (*i.e.*, scanned), and (3) incorporated into the Town's Geographic Information System database and maps?
6. What is the best way to add new policies and actions to the Safety Element for development and implementation of strategies to manage multiple, simultaneous hazards (*e.g.*, major earthquake accompanied by severe ground shaking—causing structural damage, broken utility lines and water pipes, and broken pavement on evacuation routes—followed by residential fires and slope failure)?
7. For Safety Element references to the 2017 Portola Valley Geologic Map and 2017 Ground Movement Potential Map:
 - a. Shouldn't the Safety Element refer to the most recent and best available maps instead of the static 2017 maps?
 - b. Shouldn't both maps be evaluated annually for potential revisions and updated maps be readily accessible on the Town's website?
8. Do all the policies and actions that pertain to "development" or "proposed development" also include major additions to existing structures?
9. Define the term "qualifying subdivision", which is only used in Policy P-3, p. 13.

QUESTIONS ON SPECIFIC POLICIES OR ACTIONS

1. Referring to Policy P-1, p. 13: **"Consider all faults shown on the Town's Geologic Map and Ground Movement Potential Map, adopted by Resolution 2746-2017 during the review of development applications. Required setbacks for buildings for human occupancy illustrated on the Ground Movement Potential Map (Figure 3) should be adhered to and reflected in the Town's zoning ordinance."**

Shouldn't this policy refer not only to the 2017 maps but also to future revisions superseding the 2017 maps, as approved by the Town Council?
2. Referring to Policy P-3, p. 13: **"Qualifying subdivisions, including structures for human occupancy and other critical structures within an Earthquake Fault Zone shown on current maps published by the California Geological Survey, ...should prepare a site-specific fault investigation report by a certified engineering geologist for Town review and approval. Also, any proposed new living space within a fault setback (consistent with the Pf Zone illustrated on the Town Movement Potential Map) should be supported by a fault investigation...."**

What oversight is triggered if an entity that is not building a qualifying subdivision applies for new construction or substantial remodeling in the Pf Zone (Pf = primary fault rupture zone)?

3. Referring to Policy P-3, p. 13 (above) with Actions A-3-1 through A-3-5: “Design and construct new Town and utility infrastructure (either public or private) that cross[es] active fault traces in a manner which recognizes the hazard of fault movement...”, “Equip water, gas, and electric lines that cross active fault traces with shut-off devices and flexibility which utilize the best available technology for quick shutoff...”, “Develop a Utilities Resilience Program that examines all existing utility lines that cross active fault traces...”, “Encourage utility companies to institute an orderly program for installing shutoff devices on these lines...”, and “In consultation with Cal Water and WFPD, establish and maintain adequate emergency water supplies in areas served by water lines that cross active fault traces.”

This critically important section on the safety of structures and resilience of infrastructure is currently applied only to “qualifying subdivisions.” [Under the current Draft Housing Element, these provisions will apply only to the proposed housing sites at the Sequoias and Christ Church.]

- a. Shouldn’t this section apply to all proposed development, including major additions to existing buildings, and to all infrastructure, existing and proposed?
 - b. What is the best way to add policies and actions for these protections to the Safety Element so they apply universally within the Town?
4. Referring to p. 17: “... the California Geological Survey (see Figure 5) has mapped areas based on their potential for earthquake-induced landslides, which may require further investigation prior to development.”
 - a. What data sources beside the California Geological Survey map were used to construct the landslide susceptibility map (Figure 5, p. 18) and the choice of eight landslide susceptibility classes?
 - b. The California Geological Survey map delineates zones of required investigation. Why is the sentence quoted above phrased “may require further investigation” instead of “shall require further investigation”?
 - c. How are the eight classes of landslide susceptibility in Figure 5 linked to the risk classifications for structures, occupancies, and land uses in Table 3?
5. For the eight classes of landslide susceptibility used on the map in Figure 5 (p. 18):
 - a. Which ones trigger geotechnical investigation?

- b. How do they correspond to the California Geological Survey's landslide zones of required investigation?
 - c. How do they correspond to the Town's categories for areas with significant potential for downslope movement on the Ground Movement Potential map?

- 6. Referring to Policy P-11, p. 17: **"Require geologic and soil reports for all new development in areas of identified landslides or other zones of geologic hazard susceptibility, or when deemed necessary by the town geologist."**
 - a. Doesn't this policy apply to all parcels proposed for development, not just those on landslides?
 - b. Why is this policy only listed under the Landsliding topic?

- 7. For Action A-11-1, p. 17: **"Continue to file, reference, and index geologic/geotechnical mapping and data within the Town's Geographic Information System."**
 - a. Shouldn't all geologic/geotechnical mapping, data, and reports be readily available to the public in digital (*i.e.*, scanned) form, through the Town's website?
 - b. Why is this action only listed under the Landsliding topic?

- 8. Referring to Policies P-12 and P-13, p. 17: **"Locate structures for human habitation and most public utilities so as to minimize disturbances from potential landslides..."**, and **"Where roads or utility lines are proposed to cross landslide areas..., they should be permitted only if special design and construction techniques can be employed to assure that acceptable risk levels will be met."**
 - a. What is the best way to include these policies in the Safety Element so they can apply universally within Town, to existing as well as to new construction?
 - b. Why are these policies only listed under the Landsliding topic?

- 9. Referring to Footnote 18: **Jones-Tillson & Associates, "Master Storm Drainage Report for the Town of Portola Valley," unpublished report, Town Hall, Town of Portola Valley, Portola Valley, California, 1970:**
 - a. Have the drainage inadequacies identified in the 1970 Master Storm Drainage Report been remedied?
 - b. Has this report been updated in the last 50 years?