

CALL TO ORDER AND ROLL CALL

Chair Kopf-Sill: [video started mid-sentence] November 16, 2022. We'll have roll call first.

Laura Russel, Planning & Building Director: Commissioner Taylor?

Commissioner Taylor: Present.

Planning & Building Director Russell: Commissioner Targ? Commissioner Hasko?

Commissioner Hasko: Here.

Planning & Building Director Russell: Vice Chair Golden?

Vice Chair Goulden: Here.

Planning & Building Director Russell: Chair Kopf-Sill?

Chair Kopf-Sill: Here. I think I'd like to start by saying two of our Commissioners ran for Town Council and the numbers aren't in but it looks like they have been elected. So, congratulations to you two and we'll miss you. Luckily, we're meeting a lot so we'll get to (interrupted)

Commissioner Taylor: Yeah, yeah, I was just going to say.

Chair Kopf-Sill: [unintelligible]

Commissioner Taylor: Seemed a little unfair but yeah.

Chair Kopf-Sill: Really sucked up all the planning Commission work we do but then we'll hope you see you after that. So, for the public, they are going to be on the Planning Commission until December 13th and then I think December 14th they'll be promoted to Town Council.

Commissioner Taylor: We'll get a years' worth of our duties done by December we'll be (interrupted)

Chair Kopf-Sill: Yeah.

Commissioner Taylor: We get the rest of the year off.

Chair Kopf-Sill: I think so. It's as if I hear an echo still. Let me see if I can... great, so we'll start with public comment.

ORAL COMMUNICATIONS

Chair Kopf-Sill: And this is the time that the public can comment on things that are not on the agenda which the main item is the environmental report for the Housing and Safety Element. We also have approval of minutes from our previous meetings. So, save any topic... any comment on those two topics for later but if there's anything else we'll take those comments now. Go ahead, come up to the mic if you don't mind.

Mr. Rusty Day: Evening, thank you. I'm Rust Day and I also want to congratulate our new Town Council Members. As you tackle the many challenges facing us, I ask you to reflect for a moment tonight about the integrity of our governance. When we elect leaders to govern us, how will they exercise the power we entrusted them, especially when no one is watching closely? Will they have the integrity to apply our rules, our procedures honestly and even-handedly? Or will they ignore or bend them to suit their interests? When mistakes are pointed out, will they acknowledge and correct them? Or will they deflect, deny or even lie about them? Will they response candidly and civilly to those who publicly disagree with their judgments? Or will they disparage and smear them? Our governance is predicated and built on trust. Trust in the belief that our elected representatives will exercise the power that is entrusted to them with integrity.

My letter in your Agenda Packet provides two glaring examples that I believe call into serious question the integrity of our governance. In one instance, shortly after Stanford agreed to develop housing at the Wedge. The Town's Geological Hazard Maps were mysteriously altered to remove the well-documented geological fault that runs directly beneath the proposed housing project. Despite regulations that require a public hearing and documented approval of this body for all such changes. There was no Planning Commission hearing or approval to remove that fault from our Geological Hazard Maps. No geotechnical investigation was provided to justify that change. Instead, the maps were simply changed to remove the fault. Who decided to do that without this body's required public hearing and written approval? And why hasn't that change been corrected and the fault restored to our maps?

In the second incident, the Wildfire Hazard Assessment and Fire Prevention Policies adopted in our General Plan Safety Element 12 years ago have been ignored and replaced with the discredited 2008 CalFire Map. That shows far less wildfire hazard than the General Plan states and documents. As I point out in my letter, no fire professional believes the 2008 CalFire Map accurately depicts the severity and extend of wildfire hazards in Portola Valley. And yet, it was inserted in the Draft Housing Element provided to HCD as the basis to assess our town's wildfire risk. Who made that decision and why? Who in this Town as the authority to ignore and override the express findings and policies of the General Plan?

Chair Kopf-Sill: Thank you, Rusty, times up.

Mr. Day: Both of these examples fall directly within your purview.

Chair Kopf-Sill: [unintelligible]

Mr. Day: They demonstrate I believe the trust and the integrity of our governance is not always justified. I hope that this body and the new members of our Town Council will act to justify that trust by demonstrating that this kind of behavior is not acceptable will not reoccur. Thank you.

Chair Kopf-Sill: Great, next we'll hear from Rita on Zoom.

Ms. Rita Comes Whitney: I want to congratulate the two sitting members of the Planning Commission on what it looks like is going to be them moving over to the Council and looking forward to the third spot being cleared up. And hopefully, the Almanac will start reflecting the numbers properly instead of what they're currently reporting which is unfortunate until somebody else starts reporting for us.

But I also want to thank you for cleaning up the minutes and having the minutes reflect a little closer to what was said and done in the meeting for people that were not attending the meeting. And I know it's a fair reach but perhaps if we get an intern or three in the office. If they can then go back and perhaps clarify and document some of the other previous minutes. Even if it's not to be re-approved but as an

addendum to those minutes. So, that we can have archives on what has happened during this historic time in this Town because we have a lot of things... moving parts going on right now. And for somebody that's not attending those meetings, not keeping up with what's going on, they don't have a clue what's hitting them. How much it's going to cost, how we're going to pay for it, and that's not who we are. You know, we're a community, as what the previous speaker said, that was built on trust and working together. So, let's see what we can do to clean up our own immediate archives so that we can send the clear picture on what's actually happening with all of these different important pieces that are going to be changing the face, the roads, our safety and so many other things in our lovely town. Thank you.

Chair Kopf-Sill: Thanks, Rita. [unintelligible] go ahead, Allen.

Ms. Ellen Vernazza: I just got a couple of questions. One I asked before and I (interrupted)

Chair Kopf-Sill: [unintelligible], oh no, if you want to say your name (interrupted)

Ms. Vernazza: I'm Ellen Vernazza. I have two questions. One is I had asked this before and I wrote Laura a letter asking for a response to it of what the rules are on ADUs on condo or townhouse projects. And at the last meeting I asked you guys, you had no answer, you didn't know and I've... 3 weeks ago about I sent Laura a letter and I still haven't gotten any response. So, I would like know how do we find this information out? Before we make any plans for the future, shouldn't we know these answers before anything is proposed to Town for thoughts of development? Anyways, so how can I get the answer? That's my one question.

Second off, before you... okay, so you're proposing... there is a proposal of rezoning the Nathorst Triangle to be high-density and I sent you all a letter just to verify that has anyone considered that half of that property is open space. And was that even discussed when 4388 was... the plans were allowed there because there's a lot of... there is building on the other side of... you know, that were in the proposal on the other side of the creek also at 4388. And that seemed to have been okay and I was just wondering how that got okayed when in the General Plan it specifically says its Open Space? And I just want to get answers as far as 4370, how much of that land is Open Space from the... hold on... the east side of the creek if you want to say that. The southeast side for the creek all the way over to the property lines of the next property. That's all Open Space by the General Plan designation so I would like input on that if I could. Thank you.

Chair Kopf-Sill: Anybody else here in the open comment section? Great and I see no more hands-on Zoom so we'll go for our first Agenda item.

Planning & Building Director Russell: Oh, I see one more hand up through the Chair.

Chair Kopf-Sill: Oh yep, there, it popped up once I said that. Hi Kristi, go ahead.

Ms. Kristi Corley: Thank you, I have a few questions. I noticed in the document October 2022, White Page 8, that the Stanford Wedge now has listed 52 versus 39 and I'm wondering if there was a change in a proposal that we are not aware of? I hit it as an attachment to this Agenda and then I was surprised to see that. So, if you could answer that question and then I have some other comments.

I think the residents deserve to have better titles for each of the building sites such as 4394 Alpine Road housing site. That's what it's called, so if I was to wonder where that is. I have to go drive to it. Now we know it as the old tennis and a grass field. We'd appreciate better and more thorough terminology for your sites and that goes for Dorthey Ford Park Open Space. You call it vacant portion of Dorthey Ford Field and Open Space Housing Site. I see it and most of us see it as Ford Field is the

little league field where 600 kids play little league from San Mateo County. So, I see it as Ford Field is the little league field and Dorthey Ford Park is the park next to the field. Have we combined both of those as the gateway to be one parcel versus two, or do it still remain two parcels? And can you do a better job at separating the two titles and I brought this up last night in Open Space as well? And it was discussed and we need more clarity on... when you're talking about those two areas. Glen Oaks, you say Glen Oaks, we call it Glen Oaks and Isola Horse Training. We need to know that Isola is right behind Glen Oaks and it is still a large training horse facility. So, please relabel some of these so the residents know without driving to the addresses. You say the office on 3470, well there's many offices along Alpine Road. I call it the medical buildings to the right of Robert's. So, we just need to do a better job at... you can't just call it an office building at 3470. Please be more descriptive in the future when you're listing these. Thank you.

Chair Kopf-Sill: Thanks, Kristi. Okay, I think we're done with comments now of this agenda item.

Planning & Building Director Russell: Great, thank you. Through the Chair, I heard that it's a little bit hard to hear you on Zoom. So, if you could move your mic a little bit closer.

Chair Kopf-Sill: Well, isn't that nice somebody told you that? Thanks, there.

Planning & Building Director Russell: Thank you.

PUBLIC HEARING

(1) Receive Comments on the Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the proposed Portola Valley Housing and Safety Element Update and Conforming general Plan and Zoning Code Amendments.

Planning & Building Director Russell: Okay, hi everyone, good evening. I'm Laura Russell, Planning & Building Director. So, if we could launch the PowerPoint, we're going to have a joint presentation this evening. I'm going to give part of it, Carla Violet from Urban Planning Partners is going to give part of it, and then we have two of our technical sub-consultants to provide a little bit of information. And if there are questions from the Planning Commission for those technical parties, we can take those as well and try to answer them.

So, the topic tonight is the Initial Study and the Mitigated Negative Declaration for the Housing and the Safety Element Update process. So, this is a fairly long presentation but we thought it was warranted given the complexity of the subject matter and make sure that we're all on the same starting point in regards to CEQA and this analysis in particular. Next slide.

So, the meeting format tonight is a little bit different than what we typically do. The purpose of this is really to receive public comments. So, there's going to be a staff and consultant presentations and then there's going to be Planning Commission questions and then public comments. So, there's not a deliberation this evening like the Planning Commission would normally do. Next slide. So, again, a little bit more detail on the meeting structure. We're here to receive those comments on the draft environmental document and we want to note, Anne will talk about this a little bit more later, that the comments that we receive that are specific to the evaluations, the conclusions, and/or the mitigation measures are going to be addressed in a response to comments memo that's going to be forthcoming for the Planning Commission's December 13th meeting. So, to make it perfectly clear, no action or decisions will be made by the Planning Commission tonight and the Planning Commission will not discuss the project details or the merits of the project. So, in this case, the merits of the Safety Element or the Housing Element. Next slide. The associated parts of that.

So, we wanted to take a step back and talk about what CEQA is and what it isn't and help people with some of the terminology. If this is new, it's really complicated. So, CEQA is the California Environmental Quality Act and the purpose of it is to inform. This is really an important core of what CEQA is suppose to be. So, we want to inform the government decisionmakers and the public about the potential environmental effects of proposed activities and to prevent significant, avoidable environmental damage. So, we want to think about this in its context. CEQA was adopted in 1970 in the State of California, signed by Governor Ronald Reagan. It had to do with the entire environmental movement that was happening at that time and a recognition that government decisions were being made without consideration of environmental impacts. This is all about information. It doesn't dictate an outcome, so this is not a recommendation about whether a project should be approved or not. It's background [unintelligible -audio cut out] analysis and it's required for any kind of project that's seeking a discretionary approval or a legislative approval, like in this case for new policies, from a public agency that could either cause a direct physical change or a reasonably foreseeable indirect change in the environment. It's also supposed to identify ways to avoid or mitigate impacts if feasible. Next slide.

CEQA implementation is complicated. We think about this all the time. We talk about how do these pieces come together. So, what guides CEQA analysis is a series of things. We start with the State Law itself and that's been amended from time to time since 1970s. And then there are CEQA Guidelines and those are similar to having the force of law but not quite but they're taken very seriously and those are published by the State Office of Planning and Research. You've heard of that before, that's OPR. And then CEQA is enforced through cases, through lawsuits. So, the court decisions and then caselaw are also very important to how CEQA is implemented. So, a lot of times we're referencing caselaw when we talk about CEQA. Then there are regulations and guidelines that are published by other State agencies and regional agencies and then there are best practices. So, all of these things come together for how we implement CEQA. Next slide.

So, there's some key concepts that I wanted to go over with you. First, what is a project in CEQA? A project is a very wide list of things in CEQA. It's kind of any activity that requires a discretionary or legislative action. Okay, so it's not things that are done ministerial just through a checklist in day-to-day business, but anytime you're interpreting a policy or creating a new policy or approving a project, a physical development project, that includes something that's going to be build and has a discretionary aspect to it. So, that's one way to think about the word project. We us planners say projects we're talking about wide thing.

Then it's important to think about under CEQA what's a program-level analysis versus a project-level analysis. This is tricky because see that word project again, but it means a different thing because that's how CEQA is, okay? So, a program-level analysis includes broad policies. It does not examine all potential sites specific impacts of the individual projects because they are not known yet. So, this is when we're talking about new policies generally. So, this is what's normally done for General Plan adoption and General Plan amendments. And so, this Initial Study and Mitigated Negative Declaration is that kind of CEQA analysis. It's a program level. We can contrast that to what's called a project-level analysis and that's when there's a specific proposal for development that comes in. We know where it's going to be and what the site plan is and many more details about it. So, that would include planning, construction, and operation of projects. So, an example of that is the Stanford Wedge EIR that I think all of you and all of you in the audience have recently read or at least spent a lot of time with. So, that's an important distinction to understand. Those documents are supposed to be different. Then what about future projects that are proposed in the Housing Element? Does this mean that there wouldn't be any additional environmental review and the answer to that is no? When each individual project comes forward under the Housing Element. It would be evaluated individually and then the appropriate CEQA review would be determined based on what is proposed. So, there may be projects that are exempt such as ADUs. There may be projects that require significant environmental review. So, an example of that would be the Ford Field and Open Space affordable housing development would require its own

project-level CEQA analysis. So, anytime a project would come in under this plan, we start with what did we learn from this IS/Mitigated Negative Declaration? And then we maybe can screen some things out and say oh, we have a pretty good reason to believe there's not going to be this kind of impact but this kind of area. We didn't do detailed analysis, we need it, so we can imagine that happening on future projects.

Next, so next what's a Mitigated Negative Declaration versus an Environmental Impact Report? So, the lead agency, that's the Town, prepares an Initial Study, that's the IS part, to determine if the project may have a significant adverse effect. This is normally done with a check list that's provided as part of the CEQA Guidelines and then if there's either no adverse effects or if that potential effect could be reduced to less than significant level. Then a Mitigated Negative Declaration can be adopted. So, if you can find and adopt mitigation measures that could reduce the potential impacts to less than significant. Then an MND is acceptable. If not, then an EIR has to be prepared. So, this is the way that I think about it in kind of common language. So, I know, I recognize these terms don't make a lot of sense compared to our everyday common usage of these words. We get, it's a major challenge of implementing CEQA. So, these are, kind of, you think of it as terms of art or think of it as terms that have been defined over the years through CEQA practice and through caselaw. Next slide.

So, then we think about then what does significant mean? So, we can't just think what is significant in common language. We have to think what is significant in CEQA language. So, a significant effect is defined as a substantial or a potentially substantial adverse change in the environment. It should be based on scientific and factual data and it is measured against the existing physical environmental conditions which we refer to as the baseline. So, this kind of outlines, this graphic, how we think about it. We decide on the source of the criteria for each topic and we define the thresholds for each topic. The thresholds can come from a variety of places. The most common places for the thresholds of significance, as they're called, can come from the CEQA Guidelines. They can come from regulatory agencies that may be State or regional. A good example of that is air quality. They could come from local policies. You can have locally adopted thresholds or you could have rules in your General Plan. So, you could have other local policies that could be considered thresholds of significance and then in some cases, you're going to use the thresholds of other agencies depending on the scope of the environmental work that you're working on. Next slide.

So, now we're talking about what's included in this analysis? So, again, we're using the word project because that's what CEQA tells us it is. It's a project but we can also think here what are the program components? That would be another way to think about it. Overall, what are we analyzing in this document? So, the first is the Housing Element Update itself, so this is the one that we've all been working on and talking so much about. And then Safety Element Update and so that's also in draft form and being reviewed by Committees right now. And then it... you're familiar with the basic concept of the Safety Element but it's to mitigate negative impacts of natural and humanly hazards. And then there are General Plan amendments that are necessary to create conformity with the Housing Element Update. So, as a reminder to everyone, the Housing Element is part of the General Plan. So, this last, over a year since last August, we have been convening the public meetings to talk about the amendments to the General Plan and so it's not as if these haven't been discussed in great detail in front of the public. But the way to think about this is there are small places or there are areas of other elements of the General Plan that have be updated now to be consistent with the Housing Element. And so, these, in particular, will come before the Planning Commission in more detail at your next meeting when we focus on that, but we have to create the new gateway land use classification to allow affordable housing, recreation, and open space uses at the Ford Field and the site across the street at Ladera Church. We have to create new multi-family land use classifications, create the mixed-use land use classification, create an overlay classification for the Opt-In for voluntary rezoning that we've been talking about, and then there has to be a revision to the General Plan Land Use Map with the land uses. And then there also has to be, and this is in response to a question that we got during oral

communications, there does have to be a revision to the Nathorst Triangle Plan Map. So, there does have to be a revision to that because it does call for Open Space and the Housing Element suggests that other development could occur there. So, that answers a question from earlier tonight. Next slide. Also, part of the IS/MND are the Zoning Code amendments that the Planning Commission has been talking about. So, three new zoning districts, again including multi-family, mixed-use, codifying the Affiliated Housing Program and revising the Zoning Map itself with those new districts. Next slide.

So, this is kind of an overall of the environmental review process. We have prepared the IS/MND which identifies environmental impacts and mitigation measures. We are currently in the 30-day review period. That ends on November 29 at 5:00 pm and then there's going to be a response to comments memo. So, what our technical team will do is look at all of those comments that we've received. We're going to analyze and pull out the environmental issues that are relevant under CEQA. When folks make comments on environmental documents, a lot of times there's going to be comments that come in that are more on the merits of the project or are not topic areas under CEQA. So, those items will not be addressed in this place, in the response to comments memo, but there will be memo coming out that will be available, posted to the website. And then the Planning Commission will meet on December 13th and make a formal recommendation to the Town Council. And then Town Council will take up the Housing Element and the environmental document in January of next year. Next slide.

So, now I'm going to turn it over to Carla Violet from Urban Planning Partners, and then we're going to have some of our sub-consultants share some information from them as well. So, here you go Carla.

Carla Violet, Urban Planning Partners: Thanks, Laura. Good evening everyone. As Laura mentioned, Urban Planning Partners was contracted by the Town to help prepare the Initial Study MND. We also have a large group of experts that helped us prepare this document. Fehr and Peers, who is here tonight, prepared the transportation VMT analysis as well as the evacuation analysis. Baseline, also represented here this evening, prepared a number of the technical sections for air quality, GHG, geology hazards, hydrology, and noise. Environmental Collaborative prepared our biological resources analysis. Cogstone worked on the cultural and tribe cultural resources sections and Zeke with Deer Creek Resources prepared the wildfire hazards memo which informed our wildfire analysis. So, I'm actually going to hand over the presentation to Fehr and Peers briefly just to give us a high-level overview of the VMT and evacuation analysis. So, let me see if Charlie could come up to the stage, the stage here, thanks.

Charlie Coles, Fehr and Peers: Virtual stage

Ms. Violet: Yes.

Mr. Coles: Thank you, Carla. Good evening, Commissioners. My name is Charlie Coles, I'm with Fehr and Peers and again, we're the transportation consultants working with Urban Planning Partners and the Town on the Housing and Safety Element updates. I just have two quick slides that I'll be presenting tonight.

First is what is VMT or Vehicle Miles Traveled and why are we required to use it when determining transportation impacts? That's because of Senate Bill 743. So, SB 743, as it's called, fundamentally changed how transportation impacts are analyzed under the California Environmental Quality Act or CEQA. Because of SB 743, the latest CEQA statute and guidelines specified that Vehicle Miles Traveled is now the appropriate metric to evaluate transportation impacts and Delay and Congestion, which were previous used, for example, intersection Level of Service, are no long applicable under CEQA. So, what is VMT or Vehicle Miles Traveled? It is defined as the distance that a car travels in a day regardless of how many passengers are in that car. So, one car traveling one mile equals one VMT, simply put. So, in short, Senate Bill 743 changed the focus of transportation impact analysis in

CEQA from measuring impacts to drivers to measuring the impact of driving on the environment. Next slide, please.

So, to comply with these new rules and to present a complete VMT analysis. The Initial Study prepared for the Portola Valley Housing and Safety Element Updates used two types of VMT metrics. The first is Project Generated VMT which is use to assess the direct impacts of a project and Boundary VMT which assesses the project's effect on VMT. So, as you're reviewing the Initial Study, you'll see that the VMT analysis section has been organized into these two types of VMT metrics, Project Generated VMT and project's effect on VMT or it's also called Boundary VMT. So, the figure shown on your screen illustrates both Project Generated VMT and Boundary VMT. So first, Project Generate VMT is similar to vehicle trip generation. So, to estimate the Project Generated VMT, the daily trips generated by a project are multiplied by the distance traveled which may go beyond jurisdictional limits as you see in the figure on your screen. Whereas the project's effect on VMT instead evaluates the change in total on road travel within a specific geographic area boundary before and after a project is built. So, the Initial Study and in an often sited example of how a project effect VMT is the addition of a grocery store in an area where there isn't currently a grocery store. So, residents of a neighborhood without a grocery story need to travel a great distance to an existing grocery store. However, by adding a grocery store or a new project to that neighborhood, you ultimately shorten many of those grocery store shopping trips and overall reduce VMT to and from that neighborhood. So, that's just a way to kind of understand those metrics and hopefully, that's helpful.

So, correct me if I'm wrong, but now I believe I'm handing it over to Bob to talk about the evacuation analysis.

Ms. Violet: Yes, thank you.

Bob Grandy, Fehr, and Peers: Thank you Charlie, and good evening. Bob Grandy with Fehr and Peers. I'll be presenting two slides on the evacuation time estimates that were prepared at part of the IS/MND. The first slide is really kind of a summary of what we did in the analysis. It... we created a baseline that used the methodology and the model developed for the Wildfire Traffic Evacuation Capacity study that was presented to the Council and approved back in August. This was our baseline which was stress test condition with full evacuation. That assumed 100 percent occupancy of the households and evacuation... 100 percent evacuation of those residents, employees, and equestrian trailers throughout the town and in adjacent unincorporated areas. So, the ETE is really the elapsed time for all of those vehicles to evacuate and either get onto I-280 or go beyond to say to the east of I-280. So, that's what the ETE represents. It's a total elapse time from the evacuation notice until the last car leaves that portion of the network and we provide ETE ranges for multiple evacuations scenarios. In the study, we looked at a scenario with all routes open and a second scenario with only the north routes heading to the north up Sand Hill and through Woodside. And then a third scenario with only routes to the south open which would be Alpine and Arastradero. So, all that information is presented and we looked at the effect of the added residential units that were identified in the Housing Element Update on those evacuation times... those total evacuation times. Next slide, please.

So, this is a summary overview of the results of the analysis and our ETE results are reported by 15-minute intervals. So, for example, 3 hours, or 3 hours and 15 minutes, or 3 hours and a half, and because we have ranges, the ranges are imbedded in those 15-minute intervals. We also present reports for a range with two different road capacity conditions. One with normal road capacity conditions and one with conditions that are reduced as a result of smoke and embers and other kind of things that would affect capacity during an evacuation. And two different evacuation levels and by that, I mean 100 percent evacuation and 90 percent evacuation times. So, we have pulled that information provided. The new housing units are forecast to generate about 400 added evacuation trips at build-out of all of those units and the total evacuation times, which range from kind of a low of about 3 hours and

15 minutes to a high of 5 hours for the 100 percent evacuation, reduced capacity scenario. Those times would increase by about one 15-minute interval for the various studied scenarios and with that, I'll turn it back to Carla.

Ms. Violet: Thanks, so much Bob. Okay so let's bring us back to the full IS/MND. So, it is in the form of a checklist and it analyses each of the environmental topics shown here. And I'm going to review six out of the 20 topics. There's a lot to cover here but we anticipate those top six are of greatest community interest. So, I will go over those in the next six slides.

The first environmental topic is aesthetics. The CEQA check list, which I'm going to abbreviate for each of these topics, asks if the project would have a substantial adverse effect on any scenic vistas, scenic highways, visual character if it would create a new source of substantial light or glare, and the analysis determined less than significant findings. This is because the proposed zoning amendments preserve the scenic corridor and their Development Standards. Also, any new development would need to be consistent with the Zoning District and that includes the new Multi-Family Mixed-Use Districts that are being proposed as well as General Plan Development Standards. And lastly, any site-specific development plans would be reviewed by the ASCC and Planning Commission.

So, what did we learn for air quality? This analysis looked at whether the project would conflict with applicable air quality plans. Result in a net increase in criteria pollutant, expose sensitive receptors to substantial pollutant concentrations, and result in other emissions such as odor. And the analyses concluded that less than significant finding with mitigation incorporated and the two mitigation measures that are included in the Initial Study. The first is that all new development must implement a dust control program during construction and this is recommended best practice by the Bay Area Air Quality Management District. Also, known as BAAQMD. The second mitigation measure requires any new mixed-use development qualify the operational criteria air pollutant emissions and identify measures to reduce average daily emissions below those BAAQMD thresholds.

Okay, for biological resources, the analysis looked at whether the project would have a substantial adverse effect on special status species, riparian habitat, wetlands, fish, or wildlife, and if it would conflict with any local policies or an adopted habitat conservation plan. And the conclusion was that all impacts would be less than significant. This is because all development project would be subject to General Plan policies and Municipal Code. And there are language in there related to avoiding sensitive resources and providing detailed studies where potential impacts could occur. There are also State and federal regulations to protect sensitive biological resources. The Town's Code also has requirements for tree removal and creek setbacks.

For geology and soils, there are a number CEQA questions included here. Would the project have substantial adverse effects involving earthquake faults, strong seismic ground shaking or ground failure, landslide? Would the project result in soil erosion, be located on unstable soil or expansive soil, have soils incapable of supporting septic tanks, and would the project destroy a paleontological resource? And the conclusion for this topic was that impacts would be less than significant and less than significant with mitigation incorporated. So, all development projects would be subject to several State regulations outlined here. Including the California Building Code, Seismic Hazards Mapping Act, the State Water Resources Board's Construction General Permit, the Water Quality Control Board's Regional Stormwater Permit, as well as the Town's Municipal Code and Safety Element policies. And there is one mitigation measure in there to address if paleontological resources were to be discovered during construction. There are set protocols for that.

For transportation, the CEQA checklist includes questions about would the project conflict with a program plan, ordinance, or policy, conflict with CEQA Guidelines addressing transportation impacts, substantially increase hazards, and result in inadequate emergency access. Again, the conclusion here

was less than significant. We've heard a little bit already from Bob and Charlie about this, but all development projects would be subject to Town General Plan standards related to transit, roadway, bicycle, or pedestrian facilities. The analysis also showed that project VMT impacts were less than the total VMT, Home-Base VMT, and Boundary VMT thresholds. And finally, as Bob mentioned, for the ETE analysis the conclusion was that the proposed housing units would result in an incremental increase in evacuation times, a maximum of 15 minutes.

Okay the last topic that we'll be covering tonight is wildfire. The CEQA checklist questions include would the project substantially impair emergency response evaluation plan, exacerbate wildfire risks, require infrastructure that would exacerbate fire risk, and finally, expose people or structures to significant risk? The analysis concluded less than significant impacts and this was because the proposed housing sites are in areas with the least wildfire risk which was informed by Deer Creek Resources Wildfire Hazards memo. Also, development projects would be subject to updated Safety Element policies. A couple of those include the developments must comply with the Town's evacuation assessment and provide a minimum of two points of access if they're within high or very high fire hazard severity zones. They would also need to comply with the Town's Municipal Code. There's Home Hardening Ordinance, which is one of the strictest in the State, and they would also be subject to Chapter 7A Building Codes which is applicable to any development in the WUI. And there are also other relevant State fire and building codes that these developments would be subject to.

The next steps for the Mitigated Negative Declaration, as Laura eluded to earlier, is to receive public comments tonight. In addition, comments can be submitted to the Town through November 29th at 5:00 pm via email: housing@portolavalley.net. They can also be mailed to the Town or dropped off. And then a memo with response to comments will be attached to that Planning Commission Packet scheduled for December 13th and it will also be made available online.

Now for the Housing Element, just to remind everyone, there are three upcoming Planning Commission meetings. November 30th, we'll be reviewing all aspects of the Housing Elements up until that point. December 7th there will be another study session to review and then finally December 13th, the Planning Commission will review and provide a formal recommendation to the Town Council who will then review all the materials for adoption in January 2023.

And with that, we will conclude our presentation and open it up for questions from the Planning Commission.

Chair Kopf-Sill: Great, thanks, Carla. Want to start, Craig do you want to go first?

Commissioner Taylor: Sure, so I just had two questions on the process. I didn't fully understand the program CEQA versus the project CEQA in terms of impact. I mean I understood how you were trying to sort of lay it out and the project... the big "P" project versus little "P" project, but can a program CEQA analysis effect a project CEQA analysis and how does it effect it? And I heard you start to elude to it a little bit. It sounded like well if you decided some things in the program then you wouldn't have to redecide them in the project but I didn't really understand that level of detail. So, if you could elaborate on that a little bit that would be helpful.

Planning & Building Director Russell: Let me start and then we can turn it over to Cara and maybe other members of our team to add onto that as well. The way that I think about it is that sometimes the program MND can be a screening document. So, if there's an issue on a particular project and you don't know whether maybe it meaningful or significant. You start with the program MND and you look at that analysis and see is that analysis was sufficient or if it covered the topic at hand. And then if it has, then you may know you don't need to look at that particular topic area for that project moving forward. But if you think oh, that's not covered by the program document. We have to do a site-specific

analysis or it requires knowledge of the site plan and the project details in order to analyze it. Then you would just do it as part of the project CEQA analysis. So, let me see if Cara, do you want to add onto that as well.

Cara Silver, Town Attorney: Yes, I (interrupted)

Commissioner Taylor: Go ahead Cara, I'll jump in later.

Town Attorney Silver: Sure, I... you know I think that's exactly it. Sometimes we refer to the distinction as... with program level, you don't know what the, as Laura mentioned, the site plan. And so, the analysis is of course going to be limited whereas at the project level environmental analysis. We really hone in on what we call footprint impacts because at that point you know where the actual structures will be and how... And then you are analyzing the structures impact on the environment itself, so that's the distinction in my mind.

Commissioner Taylor: Is there an example where the program CEQA... I mean can you give a specific example of the program CEQA allowing you to skip something in the project? I'm just trying to... because I get this general like obviously if it's site-specific where I'm going to put a building or something. The program is not going to have any say about that because it doesn't even know it in advance. But it sounded like what you're saying is there are some things that because the program CEQA exists, you don't have to do in the project CEQA. What would be an example of that? Is that clear? Do you see what I'm trying to ask?

Planning & Building Director Russell: Yes, it's hard to answer specifically or to come with an example. So, just kind of a... there are certain topic areas that are covered under CEQA that we can be quite sure are not an environmental issues in this community because of the nature of this community. So, there are certain topic areas where in our analysis we say there's really no chance of a significant impact here and just because of the nature of what that thing is. And so, then when we come back for a project we're like oh, we don't have to look at that close. We can be sure that that's... it's not going to be an issue. So, does anyone have an example from our team of something like that?

Town Attorney Silver: I think mostly single-family homes are good examples. We typically don't do additional environmental analysis on single-family homes because we know that as a general rule the types of air quality, traffic, cultural resources, historic resources. We... the program level document will detail all of that and so there's really not a need to do a project-specific, a further environmental analysis on a single-family home. Unless there are... you know maybe the site has a creek running through it and that clearly would not have been analyzed in the program-level document.

Commissioner Taylor: Okay, so who makes the determination of whether you need further CEQA analysis? On... in this... on a project... on this little "P" project level?

Planning & Building Director Russell: The Town does and the way that that works is the Planning & Building Director, my position, in consultation with the Town Attorney, create the documents, make the recommendations, and then the approving body is the one that accepts it or adopts it depending on what that is. So, the same way that when we have a Planning Commission project that we bring to the Planning Commission. We tell you we think this project is exempt from CEQA and this is the reason why, or we provide additional material to support an exemption, or we provide an environmental document that goes with the project, and then it is adopted with the project by the decision-making body.

Commissioner Taylor: So, then in this case you would say because we already talked about this at the program level. We don't need to talk about it at the project level and that's what would come to the governing body?

Planning & Building Director Russell: Yes, that's a good way to think about it.

Commissioner Taylor: Okay, great and then, just so I understand, you guys... what we're going through tonight, there are only certain areas that we are actually describing. Is that because there was stuff there and then the rest, there wasn't anything there, or you cherry-picked those? And again, going back to this program versus project level, if I had a project that had something outside of the six or eight, I forget how many where on that list, but you see what I'm getting at? The list that you gave wasn't all of the I'll say elements. I'm not sure I'm using the technical term here but it wasn't all of the elements under CEQA. You know, there were only certain ones. In the actual final Negative... Mitigated Negative Declaration, will they all be listed and just some of them they'll just be x's in the no impacts? Is that the way it works?

Planning & Building Director Russell: Well, they're all in the document. We just didn't include them all in the presentation.

Commissioner Taylor: Great, okay great. I just wanted... so that's just a presentation.

Planning & Building Director Russell: Yeah, just a presentation with the things we thought the community would be most interested in.

Commissioner Taylor: Okay great, thank you. Then my next question is how did we do this IS/Mitigated Negative Declaration without a Safety Element? Like we won't even have it. I mean so what does it mean to go forward? At least the Housing Element, you know we've got this draft that's gone to HCD. I mean, you know, people can agree or disagree with it but at least it's fairly clear what it is. The Safety Element feels to me like its way, kind of less far along so to speak. So, how do we move forward with the Mitigated Negative Declaration given that the Safety Element is part of that? If I understood what you were saying, is that... okay.

Planning & Building Director Russell: So, when we worked on the schedule we imagine that those documents would be adopted at the same time. So, we embarked on this all together because of the efficiencies included in that and that we were analyzing the Housing Element and the Safety Element together to the best of our ability. And so, we do have the draft Safety Element, now it's only in Committee review right now, so it certainly could change before it's adopted. So, the IS/MND analyzes what we have before us today and then if there are changes to the Safety Element that require a change to the IS/MND. We would have to do what's called an addendum to that before the Safety Element could be adopted. So, there has to be adequate environmental review of the Safety Element before it can be adopted. So, we're still packaging this environmental document all together and it could be adopted based on the information that's available while the... when the Housing Element is adopted. And then if it's not... no longer sufficient when the Safety Element is adopted we have to do an addendum to it.

Commissioner Taylor: So, we'd [unintelligible] in a sense readopted the IS/MND? I mean that's what the addendum is effectively is doing is you're reapproving it with this addendum because you need to get the Safety Element in there, the approved safety element. Is that...? Because I think what I'm hearing is we're going to approve it with sort of kind of a vague sense of what the Safety Element is and then later, and who knows what later is, I mean it could be another 6 months from now. We're going to come up with the Safety Element. At that point, we're going to go back and look at the IS/MND

and say oh, here's how it might change that analysis, and then we'd have to reapprove the IS/MND through an amendment process.

Town Attorney Silver: So, technically you don't reapprove the IS/Mitigated Negative Declaration. You are looking at the addendum and the addendum analyses whether there are any significant changes that would affect the IS/MND. It might be that the Safety Element is so different from the original version that you actually have to make changes to the IS/MND. In which case we would recirculate the IS/MND and the Planning Commission and Council would then readopt it. But what we envision is that most of the changes that will occur through the Committee structure are going to be refinements and clarifications that will not necessarily impact the substance of the public review version of the Safety Element. But that could change through the public review process.

Planning & Building Director Russell: And remembering that we're looking only at the CEQA topic areas and whether there's a significant impact under CEQA. So, the Safety Element could change in a meaningful way and not change the CEQA analysis.

Commissioner Taylor: Right but the Fire Map might change but that might not change the CEQA analysis.

Planning & Building Director Russell: Right.

Commissioner Taylor: For instance.

Planning & Building Director Russell: Yeah.

Commissioner Taylor: Yeah, okay. Okay great, thank you.

Chair Kopf-Sill: Great, thanks, Greg. Why don't you go ahead, Judith?

Commissioner Hasko: Sure, some general questions following up on Craig's question in terms of a program versus a project. So, my questions are informed by the depth and detail of the Wedge EIR. Right, we saw a lot of detail in there and some of the statements in this seem derived from that but without the supporting evidence. So, a random one is people in affordable housing travel less daily trips. I asked the question back then, I didn't think it was accurate, especially when there's no public transportation. Never got an answer, we don't know where that is, and yet in this E... MND the same fact is cited. So, I'm a little confused on the authority that informed this versus something that's much more comprehensive like the EIR. What is our standard of approval? I mean is it that we have experts that have told us something? Do we have the ability to challenge the underlying premise? I don't know how to think about that and that's going to inform some of my comments.

Planning & Building Director Russell: Let me see if I can try and help.

Commissioner Hasko: Yeah, yeah.

Planning & Building Director Russell: I'll just try.

Commissioner Hasko: Try then.

Planning & Building Director Russell: This is an environmental document to approve a policy, set of policies. Not a specific thing that's going to get built. So, we are analyzing adding multi-family zoning, adding an affordable housing development, and we generally know the locations but we don't know exactly what's going to happen at those locations. And we need to know the locations generally because then we can say oh, we have these biological resources in certain parts of town. It may or

may not be an issue. We have... we've analyzed VMT, you have to know project locations to analyze VMT for reasons that we are really technical. So, those are the types of things that we're thinking about when we're doing CEQA or a policy. And so, when we're doing that I would say, myself, yes there is more acceptance of we bring experts together to give us their expert feedback on when you're creating a policy. This is how we analyze the CEQA thresholds that come from the guidelines and the regulatory agencies and there's assumptions that go into that because there has to be. And so, we collect all of that best practice and information and data and evidence together to say this policy overall, we don't think we'll have a significant impact on the environment with these mitigation measures. Then we come back later and we go into much more detail if that's warranted under CEQA for a project like the Stanford Wedge, to use that comparison, because we know exactly what that project is.

Commissioner Hasko: Okay, that's helpful but for example, there's the experts that the consultants have concluded that there's minimal effect on aesthetics. Some people in town might disagree that if you have a gateway where you have 50 units instead of the two oak trees. That that's a minimal aesthetic change or not significant. So, I don't know if our task tonight is to say I question that assumption, or whether its yes, the expert said that. Like I don't know what you're looking for from us because there are some areas in here that don't seem to reflect our own situation here and yet, I don't know if that's relevant to what you need us to do tonight. So, I don't know how to respond, like do I note the things that I think I... like tonight we are asking you questions. So, I don't think we're discussing it substantially, so what is it that you need from us? How can we help move this along but my concern is if I don't raise something that I question. When the project comes along they'll already have approved it if it's not determined to be something that wasn't before us earlier. So, I'm a little torn whether to make comments like that for the record so that when the specific project comes up. We know there is something to look at potentially, or at least consider looking at later. Or whether that will just come along in the ordinary course and I can raise it then. So, any guidelines, any thoughts at all on how we can help the process tonight?

Planning & Building Director Russell: Cara, what are your kind of thoughts about that in terms of how the Planning Commission can be most effective in their comments?

Town Attorney Silver: Right, so the purpose... the primary purpose of this meeting is to take public comments on the published MND. And the additional purpose of the meeting is for the Planning Commission to voice any questions regarding the analysis, or the assumptions that go into the thresholds of significances, or the conclusions that would require some additional analysis before the adoption of the MND. And because we're on a tight timeframe here, it would be helpful to have those comments at this juncture. You can also provide those types of comments and questions at your subsequent meeting when you actually consider adopting the MND. But if we then determine that those comments are so substantive that we would have to amend the MND or come back with some additional responses to those comments. That would delay the time schedule, so we would... if you see any fatal flaws with respect to those impact categories. You know, we would encourage you to raise them at this juncture.

In terms of aesthetic, your particular aesthetics question, that's a perfect example of the type of issue that will be further analyzed at the project level because right now there... we don't know which particular oak trees are going to be removed as part of the Gateway Project. Will those oak trees be relocated, how big will the footprint of the building be, etc. and so you certainly could flag those issues but this document really does not encompass those particular issues. They'll be analyzed at a later time.

Commissioner Hasko: Ann, if it's okay with you, you can move on. I'll just whittle down to the [unintelligible] or areas that I think further supplemental backup would be helpful and if you circle back I'll be more efficient next time.

Chair Kopf-Sill: Sounds great. Okay Nicholas, would you like to go now?

Commissioner Targ: Sure. Just getting back to the first question, can... how does a project-level MND affect a future CEQA analysis. Cara, are there examples where consistency with zoning and a General Plan, for example, might... that were adopted under a program EIR... excuse me, program MND would result in a categorical exemption? Like an infill exemption or an affordable housing exemption or residential infill exemption. And the only reason why I bring it up is because there's certain... the answer to that I think is yes and I think that there's probably a more fulsome response that you might want to provide. I'm not sure that is has a great deal of bearing on the adequacy of this MND but (interrupted)

Town Attorney Silver: Yes.

Commissioner Targ: There's more to it than (interrupted)

Town Attorney Silver: That's an excellent point, yes.

Commissioner Targ: So, if you could expand on that. It's not appropriate for me to [unintelligible].

Town Attorney Silver: Sure, so think of this as an umbrella. We are screening out or we're trying to examine the possible impacts of all of the 293 units that are encompassed in the EI... in the Housing Element. Some of those projects will likely go through additional environmental analysis, such as Ford Field. That's one where, at a staff level, we believe that there will be some additional environmental analysis required. There are other projects that housing units, such as I mentioned before, the single-family home example, or an ADU. ADUs are exempt from CEQA under State Law, so we wouldn't expect to see any ADU project come up for further analysis. Single-family homes typically do fall under an exemption but not always. Again, CEQA is a complicated process and so there are certain exceptions to these standard exemptions but for the most part, single-family homes are exempt from CEQA. And so those types of projects would not undergo additional CEQA review.

Now there's a third category which is a little bit more complicated but there are certain projects that... housing projects in particular under State Law have CEQA exemptions and that's for instance the supportive housing project that... for Willow Commons. That was something that had a very unique CEQA exemption. There are also other projects if, for instance, the Town did not comply with submitting a Housing Element in a timely fashion. Then there are... then the State Law has this provision that certain projects must be approved by right and that by right includes no CEQA analysis as a repercussion. So, there are certainly overall exception to the general rule that most projects will undergo some additional CEQA analysis as they come online. That's... as I mentioned there are some unique situations.

Commissioner Targ: So, like affordable housing might fall under an affordable housing categorical exemption.

Town Attorney Silver: It might if it were a 100 percent affordable and that exception actually is pretty difficult to comply with and so we'd have to analyze it but it could, it could.

Commissioner Targ: And I don't know, and I actually haven't paid attention to the definition of urbanize in the infill exemption just because it's not...it's usually not an issue where [unintelligible](interrupted)

Town Attorney Silver: Right, exactly. Yeah, it's very fact specific and in Portola Valley, the standard infill exemptions that you reference don't always apply.

Commissioner Targ: So, I just wanted to call out that it is more complicated and an MND that's adopted now has consequences for future entitlements certainly. The other couple of things that I wanted just to call out is there are issues of constancy. There are different assumptions made throughout the document about the number of people who live in town and it ranges from 4,289 to 400... excuse me, to 4,607 and in a couple of cases, we include folks from Los Transco for example when we're looking at VMT. We use a lower number, for example, when we look at public services, including for fire response rather than the larger number and I don't know if we should be looking at what the Fire District numbers are or whether it's the Town itself or it is a broader area. But the number that we use is... there is 4, 289 I think is [unintelligible] I can't really see that far. But in some cases that's going to have a ripple effect on issues of air quality, of VMT, of HGH impacts as well as providing services. I don't have a particular opinion in all cases as to how that skews things. If you're looking at a 17 percent increase in number of units, excuse me number of dwellings, residences, in town. Having a lower number in some cases would suggest that there would be a bigger impact. In other cases, the impact would be smaller but I would urge our team to go back through and actually make sure that all of your numbers match up properly.

The other sorts of things that I think about similarly is the assumptions as to the growth in number of people that will occur. If you take a straight 17 percent across-the-board increase. You're going to get a different number than the number that we include. It's not terribly big but it's like 50 people which is what, 20 percent-ish of the total. So, just go back through and actually make sure that the numbers are right and that you're comfortable in them because the assumptions aren't called out. They... maybe they are in the appendices but not in the main document.

Similarly, when going through the impacts in the other portions of the GP, General Plan. For example, in Ford Field, there are ripple effects that are expressly hit in the Recreation Element, the scenic road highway, in the Alpine Scenic Corridor, and the Open Space that will be just touched. And there are policies and objectives that won't be consistent. It's not hard to fix but you just need to go through and touch them. That was just an easy identification but I think that you really need to do the same thing for the GP generally as well as the specific sub plans. Like again the Alpine Scenic Corridor and there are a bunch of other little specific plans throughout the town.

So, anyway, so those are the sorts of things that I'd look and they may or may not ultimately have an effect on what the outcomes are. But the issues of constancy really ought to be scrubbed out and I'd be happy to talk with you directly offline instead of point out some of the issues there.

Chair Kopf-Sill: Thanks, Nicholas. Do you want to go John?

Vice Chair Goulden: Sure, except I have no questions.

Chair Kopf-Sill: Oh okay, that was quick. Good, I had just a few, are there specific thresholds for these judgments, like less than significant? Let me use the traffic or the wildfire evacuation. It was less than 10 percent but at what point, you know if it took 10 times longer, would that trigger significant? Where's the cut-off?

Planning & Building Director Russell: Generally, there are specific thresholds for the different topic areas and they come from different places and some of them are locally adopted. Some are regional like I was talking about. The wildfire part is still a new section of CEQA and so that's an evolving area and there's a lot of question about what the appropriate thresholds of significance related to evacuation in particular. So, I don't know if Cara or Carla you want to add anything else to that.

Mr. Grandy: This is Bob Grandy, I'll just note that I'm not aware of any city or county in northern California that has adopted a quantitative threshold for evacuation time estimates.

Chair Kopf-Sill: Okay and then I guess my... that leads my question if you could run the though experiment. Like if you hired 10 different companies to do this analysis on this at the same moment. How similar or different would they be? Are there some consultants or experts that would judge things let me call it leniently and others that would be very harsh? Or are the standards kind of understood, maybe not all written down, but through case law that people would kind of come out to the same place if they do the same thing?

Planning & Building Director Russell: I think there are professional standards that are typical in traffic engineering. Especially the parts of it that have existed for a long time. Those are pretty standards. There's always going to be assumptions but you're going to get pretty consistent answers because of the professional standards. For the more evolving fields, you may get a little bit more variety. That the Town is leading on evacuation study and planning. Fehr and Peers is a lead transportation consultant. Professionally speaking, they come with the highest reputation. Honestly, we're very fortunate that they're even working with us on these projects because they pass on a lot of work. And so, they represent what we consider to be very high-level experts in terms of bringing the best practices that some of those are new. So, that's the way I would describe it in general. I don't know Bob if you want to add on to that based on your experience.

Mr. Grandy: No, the only thing I would add is that's one of the reasons why when we through the evacuation study and we worked through with the Emergency Preparedness Committee. We presented a range of different results. So, we didn't come in and say the evacuation time is going to be "X" because there's so many different variables in terms of what could happen during evacuation time. We looked at different scenarios, within those scenarios we provided a range based on how the roadway could be affected from a capacity stand point. So, we've got... there's not just one number that product. We product a range and that's meant to capture the fact that there are a lot of variables in terms of what might happen in the case of an evacuation. The only thing I would say is that we did assume 100 percent evacuation in which based on all the data that we've seen from other wildfires is conservative. Because we know that there are individuals who won't evacuate during a wildfire, even once it... a notice is given. So, we tried when there was a question about underlying data to err on the side of conservative nature and even from the stand point of the temporal distribution of trips. The... in which the evacuation started, the EPC wanted to go with a more conservative assumption which assumed 85 percent of residents would leave home within an hour of an evacuation notice. And that's fairly aggressive in terms of folks getting out the door within one hour of notice. We had 97 percent leaving within 2 hours. So, these are the kind of things we look at all the underlying assumptions and ran them through the EPC and we had three different hearings to talk about those with the EPC. So, we tried to be as transparent as possible in terms of what was going into the model and the kind of results that were coming from it so.

Chair Kopf-Sill: No, thank you, and for me, again that one was easy for me to latch on to because it was quantitative so that feels easy to look at. You know, there were other ones like I looked at the biological section where there's some special animals in town, which we all love the animals, right? But it's just hard for me to judge like oh, is that animal going to get hurt and will that make a significant effect on the biology? I guess I'm just wondering how... it many experts looked at the same situation, would they kind of all agree? Oh yeah, that's not significant or would some be like oh my gosh, the little salamander. No, no we got to stop.

Planning & Building Director Russell: Great question, thank you, and that its right because could you just have a pet animal and that is significant because that's your favorite.

Chair Kopf-Sill: Right.

Planning & Building Director Russell: If that's your favorite frog. I... great question, thank you. Carla, I don't know if you can speak to that, or we were going to see if one of our sub-consultants could call in but he was coming from another meeting I believe. So, we do have a couple phone calls, people on the phone, I just don't know if one of them happens to be our biological consultant.

Ms. Violet: Yeah, I don't think I see him on here, but I do think given the number of just like the standards that exist in the Municipal Code and the General Plan, plus all of the protected species. That there... this is kind of coming back to that standard that experts would agree and have been using for many years.

Planning & Building Director Russell: Yeah because there's well-documented lists, right?

Ms. Violet: Right.

Planning & Building Director Russell: And categories of how protected the different species are (interrupted)

Ms. Violet: Exactly.

Planning & Building Director Russell: [unintelligible – crosstalk] are going to use the same references for what level those different types of species need to be protected at.

Commissioner Targ: Through the Chair, if I may, and Cara with your help here?

Chair Kopf-Sill: Yes.

Commissioner Targ: I just want to point out that 45 percent of Mitigated Negative Declarations... only 45 percent of Mitigated Negative Declarations in litigation that are appealed survive. The rest of them fail because they're found to be inadequate. Chair, it might be a good time to say... talk a little bit about what the standard is for the adequacy. I think that that goes generally to the Chair's question.

By the way, I think that the consultant team here is really top shelf and it's a great group of people. Nice job in selecting them, good folks, smart, do... people you would look for but Cara, what is the standard [unintelligible] here?

Town Attorney Silver: So (interrupted)

Commissioner Targ: And what is the standard of review?

Town Attorney Silver: Yes, what the court generally looks at is whether a fair argument can be made that an impact is significant and unavoidable and instead of a Negative Declaration, an Environmental Impact Report should have been prepared. And so, when you're looking at what types of fair arguments, what types you look at expert testimony and if the overall records shows that the Town relied on experts in the field. And that the criteria that was selected to analyze the impacts is grounded on a... the CEQA Guidelines, or on a regulatory standard that is was promulgated by the appropriate regulatory agency, and that there's been sufficient analysis. Courts will uphold that... the Negative Declaration. On the other hand, if the Town relied on a standard that doesn't really have any clearly... clear acceptance. It's not excepted by the experts in the field, it's not codified in the regulations. Then a court would have a problem with that. Especially if there's other evidence in the record to show that that was not an appropriate standard to use or if the analysis that was employed in the document was not appropriate. So, (interrupted)

Commissioner Targ: And so, 55 percent of the time the court will find that it's inadequate. So more often than not for Mitigated Negative Declaration, the court will make the determination that there was an error which requires a higher standard of evaluation.

Town Attorney Silver: Yeah and I'm not familiar with that particular statistic that you're using. There... CEQA litigation also involves also not only the substance of the analysis but there can also be a variety of other procedural issues. You know maybe a Negative Declaration was not circulated for the appropriate period of time and so a court would require the document be circulated. Or maybe an MND was struck down because it wasn't distributed to the appropriate agencies. There are a variety of reasons for striking down Mitigated Negative Declaration. So, its... you know I'm just not familiar with that particular statistic Nicholas and as to what it encompasses. Whether it's just the analysis or whether there are other procedural deficiencies associated with an MND.

Planning & Building Director Russell: I've also seen a lot of bad MNDs written by associate planners without appropriate consultants. That's just honest.

Town Attorney Silver: Yes, and I will say that many cities and smaller towns have their... you're right, have MNDs prepared by staff members and without any particular expertise. They don't even bring in sub-consultants to run a traffic analysis. So, you're right, there are a lot of... there's a very big range of quality.

Chair Kopf-Sill: And if we had gotten this analysis done and many things... several things... many things had come back in that... in the really bad category. Would... what would we do then? Would we be able to submit our Housing Element and just say, best we could do? Looks like a few bad effects. We're the... to bad we have those bad effects but.

Planning & Building Director Russell: If we would have found significant impacts that could not be mitigated. Then we would have to do an EIR and finish an EIR process and the Housing Element couldn't be adopted until the EIR was finished.

Chair Kopf-Sill: Okay and I get the idea that some people think that if we... I guess maybe hoping that the analysis came out more negative. It might help us get out of our RHNA numbers somehow or housing obligation or if not this year, maybe it would help us be in a better position in 8 years from now to get a lower number. Is there any merit to that like...?

Planning & Building Director Russell: If... I think I understand your question. I think people are wondering whether an environmental document can be used as evidence that the Town can't build housing units.

Chair Kopf-Sill: Right and that we should get relief from these high numbers.

Planning & Building Director Russell: Yeah, I do not think the... there's that kind of connection in the way that people are talking about RHNA and how they're allocated. I did bring up some of these topics when... way back when the Methodology Committee was meeting. And I had a chance to meet with one of the representatives of the RHNA Methodology Committee and I did say to them, you know, you're putting us in a very challenging position given our... you know especially the fire danger and especially with fire being a newer topic area under CEQA. But even in that amount of time, that's about 2 years ago, a year and nine months ago maybe. In that amount of time, the CEQA practice has evolved quite a bit and a lot of people have been doing a good... a lot of good work around this. So, we think that we have reflected those best practices that are there but I don't think that there... that creates the case that we would not have to satisfy our RHNA obligations, or that that would necessarily be a way to try to reduce the numbers in the future. I think the ways to do that continue to be the ways

that the Council has talked about and formed a subcommittee to reach out to the State regulatory agencies at a high level and talk to them. You know the... talk to the Insurance Commissioner and talk to Housing and Community Development and talk to CalFire and bring all those parties together. So, that the future legislation and the future policies are written in a way that takes that into consideration from the start as opposed to trying to address it in the end.

Chair Kopf-Sill: No, thank you. That's all my questions.

Commissioner Taylor: Anne, before we go [unintelligible], can I go back to one thing that you were because it seemed like one of the things I heard you say is for some of these things it was checked to be, you know, less than significant. It seemed like it might be nice if there was a little more like the reason we picked this was because we looked at the Endangered Species List and this and this. So, that maybe it got a little bit more information out of the experts so that a lay person could say yeah, I generally see how you got here. Not that they're going to be the... a lay person is going to be the final decider but that's sort of what I heard also is that if the public could look at this document and say one level down I sort of get how these checked boxes got checked. Is that the other thing you were trying to get at?

Chair Kopf-Sill: No, I was looking for a rubric that really said checks. I mean I think the documents pretty extensive so it talks about all the things that they looked at in the...

Commissioner Taylor: Well, it sort of does. Well, I don't know, I find it sort of does but then I find they conclude... like I can't read through it go on, and now I see how you concluded it less than significant. I mean I just see it says oh yeah blah blah blah blah blah but it doesn't help me get to how they picked one of those checked boxes. It seemed like they could have picked a different checked box and I would have read the same verbiage. So, I guess that's all that I was wondering is if there's some way to make it a little clearer how a specific checked box got checked because generally it's like well we checked for endangered species. So, why isn't it like not significant at all versus it's just a little significant? I'm just, I don't know, a few of them just seems like if general lay people look at this stuff. It's still hard to understand where the check... they just... to me they seemed a little magical. So, I... just as a comment, I don't know if there's anything you guys can do to improve that but I'd say any place that you can make how the boxes got checked or obvious or at least a little more direct on why a particular [unintelligible] was checked. That might be helpful. Thanks, I didn't mean to jump in, sorry.

Commissioner Hasko: No, that's fine and I kind of agree. I am not challenging that this report isn't of a high standard or that the consultants are not being extremely thoughtful and professional. It's just from a lay person reading it, in the margin I wrote conclusionary, conclusionary. So, my comments are going to go into a few areas where if it's not unusual to do so, I would encourage them putting a little more context in if that's appropriate and I don't know what's appropriate or standard.

So, I'll go through those, and Laura, thank you for outlining the General Plan amendments in this slide. One question on Page 12 here it says "the Land Use Element would be updated to remove impermissible limits on population control". I don't know if you can kind of give us a preview of what area that is.

Planning & Building Director Russell: Yeah, there's a table in the Land Use Element that talks about persons per acre. Like it's density in persons instead of dwelling units and that's an old standard that's no longer considered acceptable legally and could be... an has equity issues as well for people who have different household compositions.

Commissioner Hasko: So, you would [unintelligible] more in dwelling units with this change?

Planning & Building Director Russell: Yeah, just switch the table to dwelling units.

Commissioner Hasko: Okay, thank you. One of the areas where it seemed a little conclusionary and again, I'll say this once and I'll stop repeating it. If it's appropriate and would be standard the commentary, it starts around Page 30 on the lighting and it just says light glare will be consistent with the general environment. I'm paraphrasing there and I actually think given the projects we have. Dorthey Ford Field does not fall into that and Glen Oaks do not fall into that. Those are dark at night so I think there is... if it's a general urban environment, I get that comment and I think that's where it derived from. But given that it is really low lighting, as is the Stanford Wedge, I question that. So, I'll leave it to the experts whether they enhance that or make that a little more nuanced there.

Okay, I was a little confused on the Open Space at 4388 versus 4370 and one question was we have to amend to reflect Open Space... changes to Open Space on 4388. How about 4370? I don't know if you can comment on that or we can put that aside if that's not relevant to the...

Planning & Building Director Russell: We would have to check but we'll certainly check.

Commissioner Hasko: Okay. I think... oh there are references, and this is around Pages 76, 77, and 112, that there's... this is like the historical parts that we want to be careful of when we're developing. There's a reference to "Dorthey Ford Field has part of a turnpike remnant" and that's interesting to cross the creek. The absent area where I'm like well what does that mean? Like is a turnpike 10 feet and not a big deal, or is a turnpike, you know, 50 feet and it might actually be an important thing to know about in terms of assessing the development and then implications for development in that area? So, that's a question.

Somebody earlier, questions on the [unintelligible] Fault and the earthquake fault and it's a question of do we have the right fault map with the right process. That's more of a question and I'll just leave it out there, but it does seem that since there's so many analyses that trigger off an earthquake fault and where it is and where you can build around it. I would think we need to be aware of what happened there in order to weigh in on the final report here.

Page 106 it says several of the or at least a couple of the sites are intersected by liquefaction hazards. Again, similar to the turnpike, how big? Like are these minor things to be worked around and drained appropriately or mitigated somehow, or are they larger? I'm implying that they're pretty minimal because they probably would have said but it would probably be good to add that context if its an appropriate thing to do.

I didn't know there was an environmental release at Dorthey Ford Field and they say there's an "adequate distance". Its been cleaned up is my interpretation and it's an "adequate" distance from Glen Oaks or Dorthey Ford Field but I'd like to know what that means. Is it a big deal? Adequate distance would be good to have some backup or detail on the plan for that.

And similarly, the map that's used for fire in the Safety Element, do you know if they did use the Moritz Map if any of these sites would be treated differently? That's a question I have, you don't have to answer it now but it's for the future.

On the evacuation pieces, it says planning on a single car. It might be good to confirm where that comes from. I know when my husband and I were thinking about evacuating, we were planning on two cars and we're only two people. So, like is that built into the evacuation plan? Is it something that might evolve?

Commissioner Taylor: Two cars per household.

Commissioner Hasko: Yeah.

Commissioner Taylor: I mean that sort of... that was the assumption that was [unintelligible] (interrupted)

Commissioner Hasko: Yeah, okay.

Commissioner Taylor: Was two cars per household.

Commissioner Hasko: Okay because it said one in here.

Commissioner Taylor: Yeah well at least one of the things we tried to study. So yeah, I don't know about this thing but that was one place we tried to study.

Commissioner Hasko: Yeah, it said... and then 400, and... there was a reference in here. I'll go get... 401 additional trips in a full town-wide evacuation but we're adding 700 people. So, you know, I would like to see the linkage between the number of people, the evacuation plan and, you know, the 15 minutes, it would be helpful for some context here. I understand it's evolving. I'm not looking for precision, but to me, 15 minutes can be a big deal. So, I would think enhancing explanation around that not being significant would be necessary.

Then the last ones, I also noted Nicholas's questions or observation of the different numbers for population increase, current population, Los Trancos population. So, really think that would be very helpful for people and then I did not that the Stanford EIR was used as a citation for an authority late pretty far in. I think it was Page 295. Is that okay? Like are we able to use it? Is it's the Town EIR that we are able to use for these points of reference for other projects too? I just was curious.

Commissioner Taylor: Self [unintelligible – off mic] or something.

Commissioner Hasko: Yeah, it was a little odd.

Planning & Building Director Russell: Depends on the type of reference. It's actually really common for environmental documents to reference each other but it depends on for what. So, if there's already been an assumption made or a standard set or a threshold set that's been previously considered by the Town and sometimes we want to do that for consistency. Or if something was learned through another document then we reference that. So, it is often times acceptable.

Commissioner Hasko: Okay but in this particular case, you didn't find it out of normality?

Planning & Building Director Russell: No, in this particular case we find it to be typical.

Commissioner Hasko: Okay. Okay, thank you, those are mine.

Chair Kopf-Sill: Great, that's everything from the Planning Commission?

Planning & Building Director Russell: I wanted to note that we do have the biologist on the phone is someone wanted to ask any questions. Would you like to bring him in? Okay, so we'll... we're going to make you a panelist.

Commissioner Taylor: Did you want to (interrupted)

Planning & Building Director Russell: Or allow him to talk. Oh, did people have questions for him?

Chair Kopf-Sill: I mean I was curious on how the standards but I don't need it. Well no, I guess... you know what I'd like to... if we heard from ten different biologists. How close would their answers be? That would be interesting to hear him [unintelligible].

Planning & Building Director Russell: Okay.

Vice Chair Goulden: [unintelligible – off mic] about the salamander.

Planning & Building Director Russell: Okay Jim, are you there?

Chair Kopf-Sill: Well maybe it's the bee. I noted there's a special bee nearby.

Planning & Building Director Russell: Jim if you're there if you could unmute on your side?

Ms. Violet: Was it *9? What's the... I feel like there's a button you have to push in order to... if you're dialing in. Oh, what is it?

Planning & Building Director Russell: It is *6 to mute and unmute if you're dialing in. So, Jim *6. Maybe?

Ms. Violet: I'll text him too.

Commissioner Taylor: Can you just unmute him? Are you the host?

Planning & Building Director Russell: He's unmuted on our side.

Commissioner Taylor: Oh okay.

Planning & Building Director Russell: I'm asking him to unmute but he has to do it on his phone.

Commissioner Taylor: He driving, [unintelligible – off mic]

Ms. Violet: So, he's trying and it's not working. I'm sorry.

Chair Kopf-Sill: Oh, it's okay.

Commissioner Taylor: Yeah, he ran over the salamander though.

Chair Kopf-Sill: I know, don't say that.

Planning & Building Director Russell: Okay, so we'll... I think we'll move on since it wasn't super critical but Jim, if you're able to connect then you know what the Chair's question was and we can pick that back up later if we're able to.

Chair Kopf-Sill: Great so we'll move on to public comments and as Laura mentioned at the beginning. Normally in our meetings we take public comments and then Laura or Cara or one of us tries to answer the questions after we collect them all but that's not the case today. We're going to collect these questions and they get answered in a later document.

Planning & Building Director Russell: Yeah, we really want to think about comments. So, think about if there's areas of the analysis or the mitigation measures. I think the Planning Commissioners have been a very good example of how they've looked at the document and analyzed. So, if there's things that you saw when you were reading the document that wasn't clear to you, didn't understand the

assumptions, conclusions, or mitigations. That's especially helpful kind of feedback and so we'll be responding to those things... we won't necessarily be able to answer every single question but we will respond to all of the groups of the environmental issues that are raised.

Chair Kopf-Sill: Great, thanks, Laura.

Commissioner Taylor: Well and I think you got to the right thing. It's really not questions, it's comments. You're going to respond to the comments and make sure appropriate comments get embedded in the document.

Planning & Building Director Russell: Yes, in the response to comments.

Commissioner Taylor: Rather than there's going to be a list of 500 questions that somehow, you're going to answer.

Planning & Building Director Russel: Correct, we are not going to list 500 questions and answer them. This is about comments on the environmental document.

Commissioner Taylor: Now, are there any questions that you would answer through an FAQ independent of the IS/MND that we would maybe post on the website because there's kind of two things going on here? One is the specifics we're trying to get at and then the other is, to the degree we can, is help the public understand the process. So, I would say if the public in this open forum asks a question that's more about the process. Maybe we can put that question on an FAQ and post it some place. So (interrupted)

Planning & Building Director Russell: Yes.

Commissioner Taylor: That we don't have to keep answering it over and over again.

Planning & Building Director Russell: We can definitely respond to process questions in an FAQ, definitely.

Commissioner Taylor: I think that so comments for the document and then questions for FAQ.

Chair Kopf-Sill: Yeah, okay great. I see some people on Zoom so we'll start with Rita on Zoom first.

Ms. Rita Comes Whitney: Hi, I'll be quick since my comment is long. I came to Portola Valley for the same reasons as so many others. The rural character of the town, streams, animals, unique topography, trees, this is our home town. CEQA should be considered for any project that happens in this town. I feel uncomfortable with the constant threat of if we don't approve, developers will be able to come in and build whatever they want ignoring CEQA Guidelines. I can't imagine that a building could be built in this town that might dam a stream, building in a canyon, paint it purple, and have it look like a burger house. Portola Valley is not on an island and all the puzzle pieces of our neighboring towns need to be considered and I haven't been hearing that. An example is for evacuation, the roundabouts that are being proposed in Ladera that our past Mayor helped Ladera get and Los Altos Hills is using an Arastradero for evacuation. That people would then be coming onto Alpine Road. It makes me wonder if the big picture of all the housing projects, ours and our neighbors, are being considered in the evacuation plan. And for VMT, there's no bus service in town and it's been discontinued. A lot of it's been cut in the past year. To get food, to travel to a job, drop off a child to school, go to the doctor. You're going to have to drive and are we prepared for that? I'm not hearing that in all of the talk and this town has been the lead agency for the Stanford Wedge dEIR. That project, the comments for that project, were closed in May 2022, but we have not had any updates. And there were many sections

that were in the dEIR that raised questions but then stated that there was no impact. When there clearly is impact but there is no follow up for the residents, for the community on those. And I understand that there's a time restriction for this document but if we have all of these other pressing documents that the Town cannot get in on a timely manner for a variety of reasons. What is the priority on this one over all of the other pending documents? And yes, we've hired many exceptional consultants but they seem to be spread out pretty thin by working on our many Town projects. And perhaps we need to clear up some of the old projects, instead of trying to patch possible holes in the projects that are not finished. Thank you for listening and please, let's do something about this so that we can save this town and keep it safe. Not just for the new people but for the current residents in this town. Thank you.

Chair Kopf-Sill: Thanks, Rita. Go ahead, Ellen.

Ms. Ellen Vernazza: [unintelligible – off mic]

Chair Kopf-Sill: Okay, no, no, got to come to the mic, sorry. Recorded for posterity.

Ms. Vernazza: [unintelligible – off mic] that one or this one?

Chair Kopf-Sill: Either one, they're both on.

Ms. Vernazza: Yeah, this is a process question and it has to do with Laura's answer at the beginning of this discussion. I'm just saying, what is the point of having a General Plan if I can just be indiscriminately changed if there's a certain proposed development and I'd like to know what the process is. Who... is it the Town Council that changes this? Is it the Planning Commission that makes the changes? Is it Town employees that makes the changes to the General Plan? Are the people in town invited to put their... to have their input on this? Who is in charge of changing the General Plan and who has the power to do it? And if I'm not going to get an answer now, where would this be posted because I know a lot of people that I've been discussing this with want to know the answer.

Chair Kopf-Sill: Great.

Ms. Vernazza: Thanks.

Chair Kopf-Sill: So, Laura, we'll collect up... maybe you will answer the questions that are process questions at the end of the... after we hear all the questions.

Planning & Building Director Russell: [off mic] Sure, I can do that.

Chair Kopf-Sill: So, we'll answer it tonight. Let's see, on the phone or Zoom, Valerie Baldwin.

Ms. Valerie Baldwin: Hi, thank you for letting me speak. I wanted to second the November 11th letter sent to you by Rusty Day. It's really well-written and he brings up some many good points. I want to call your attention in particular to the changes in the maps that he referenced. The Moritz Map Fire Map was incorporated in our General Plan but was replaced by an older, discredited CalFire Map which changes Portola Valley from high fire hazard to no fire hazard. And also, the removal of faults from the Fault Map, we've never gotten an answer on why that has happened. Both change could allow buildings where they should not be and now that the cats out of the bag. Our Town might be liable if those homes are damaged.

I'd like to add one other footnote, in... on Page 61 of the IS, Conservation Element, which was cut and pasted from our old General Plan. Number two states and I dropped a few of the words out, to

preserve and protect all nature plants with special attention to the preservation of unique communities such as oak woodlands. In the Stanford Wedge EIR, they have proposed to remove a very large number of oaks from an oak woodland. In fact, it's 177 trees and that was by a survey by Stanford consultant HortSciences and 123 of those trees over 100 years old. This cannot be mitigated with just a few young trees. Yet the IRR says that this has no significant impact. So, I was really wondering when we were talking about tonight about what no insignificant impact really means. This obviously is a serious impact on the area, moving a large... removing a large oak woodland there. So, how do we come about saying things are no significant impact?

I'll follow up this with a formal letter by the end of month so thank you.

Chair Kopf-Sill: Thank you. Great, next we have Danna on Zoom.

Ms. Danna Breen: Unmute, I got it.

Chair Kopf-Sill: We can hear yah.

Ms. Breen: Okay, hold on a sec. Okay you guys, I'm happy to have somebody else talk about the General Plan because you know that's my thing. So, I mean this is a massive process issue for me. We are... because we are... the Town has a General Plan which is our constitution and all these meetings and reports, we the people don't hear much about our constitution, the General Plan. Yes, there was Housing Element Committee and we listened to that but we never really talked about changes to the plan. We haven't discussed changes to the Safety Element. The General Plan is a large... largely an integrated document which is all tied together and internally consistent. The objective section of the plan, however, in each element and the entire section, set the tone for the ethos of the Town. The basic concept and objectives for any changes to the General Plan should be developed through an open public process from the community has... it has input to and that objective document should be approved by the Planning Commission as the Council after public input. And then serve as a guide as you proceed to consider actual revisions to the General Plan and any update to the Housing Element. You need to have a solid pathways document that lets everyone know where the community agrees it wants to go and then use that as a measure to ensure any changes achieve the basic agreed-upon objectives. This is a town effort and not something that should be driven by a particular vision of staff. So, are you saying that you plan to make changes to the General Plan by December 13th without a full public review of word changes to the plan? If you... you know, you've got your back up against a wall and I've been asking this for years to take a look at this so. And I know that you guys, I've talked to members of the Planning Commission, that you have pledged to review every word change but for me, you know, the General Plan yes, is the constitution and I want it followed. And I want the people to be involved in any changes to it. Thank you.

Chair Kopf-Sill: Thanks, Danna. Laura and maybe Carla, we have a phone number up here that doesn't have a hand raised but it's popping up to the top of the list.

Planning & Building Director Russell: That's the biologist.

Chair Kopf-Sill: Should I take that down?

Planning & Building Director Russell: No, he wasn't able to come through so we're just going to leave him there.

Chair Kopf-Sill: Oh okay, okay good.

Planning & Development Director Russell: Thanks.

Chair Kopf-Sill: Next is the phone number that ends in 7562.

Commissioner Taylor: [off mic] Caroline.

Chair Kopf-Sill: Is that Caroline?

Ms. Caroline Vertongen: Thank you very much. Yes, this is Caroline Vertongen. Can you hear me?

Chair Kopf-Sill: Yes.

Ms. Vertongen: I sympathize with all my residents who have raised the issues. I am tired. We have spent, what 10 years now on several issues. We thought that the Town Council would follow the General Plan and they have not. I'm tired of hearing staff saying to the best of our ability. Unfortunately, that has not happened.

I will not... I will just add another issue. The CEQA, under section... there's one section of CEQA that also implements the cumulative impact under CEQA ruling and again, it's not mentioned tonight. I urge you to demand that all the laws that rule, that govern CEQA Guidelines, are being submitted to you so you understand. Don't rely on staff. I know these are young people. They all have to earn a living and they do according to what they're saying the best of their ability. We have CEQA specialists in town who know this stuff and I think its time that we hired a CEQA analysis.

I've rewritten my notes three or four times depending on what I heard and I appreciate the questions of Commission... the Commissioners but if the Commissioners don't know what's going on. Then how can you actually decide on policies? It's really a mess.

Like Danna says, we're a community, we had governing rules, and it's time that we abide to this. Every document that has submitted to another government agency was misrepresenting our data and how many times in the last 5 years have be addressed this through how many Committees? That every time you use a consultant, they misrepresents this data. This cannot continue. This is not who we are. We are very unique community. We have a General Plan like Danna said and its time that staff, Town Council abide to these rules and I'm sorry that I'm upset but you know what? I have spent several years, like many other residents, and it's time that you abide by our rules. Thank you.

Chair Kopf-Sill: Thanks. Let's see, next Nan Shostak on Zoom.

Ms. Nan Shostak: Okay, am I unmuted?

Chair Kopf-Sill: You are, we can hear yah.

Ms. Shostak: You can hear me? Okay great. Good evening Commissioners and real congratulations to Commissioners Hasko and Taylor. I'm a member of the Geologic Safety Committee but my comments are my own. Not those of the Committee. I've got two comments on the IS/MND from a geologist point of view.

First, the document as it's written is inadequate because it's unclear. Regardless of assurances to the contrary tonight, the IS/MND could be interrupted as taking priority over all other environmental analyses of individual development projects under CEQA. If approved as written, this study could obviate any future CEQA analysis. 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, that's with a Capital "P", all developments taken together, applies to their own projects. Therefore, those projects would not be required to undergo environmental analysis. If we rely solely on the Safety Element's geologic and

seismic hazard provisions as the Initial Study does. We cannot ensure the geologic and safety... sorry, geologic and seismic safety of future projects. We also need the protections of a second analysis under CEQA. Blue Oaks is an example. The San Andres Fault runs right through the property. The developers trenching study reported no evidence of faulting. The Town's requirements under the Safety Element were satisfied and the developers were prepared to proceed with their project as planned. At that point residents of Portola Valley, Los Trancos Woods convinced the Town that the reports conclusion was extremely improbable. The Town ordered a second trenching study in which the San Andres Fault trace was found exactly where expected. Only because the second review was done was new home sited safely and not directly on top of a known active fault.

My second point, the Initial Study is incorrect in that it assumes the 2017 versions of the Town's Geologic and Ground Movement Potential Maps are the authoritative maps for geologic and seismic hazard. There are two issues here. First, these maps are not static. They're living dynamic documents. The Initial Study and the Safety Element should always refer to the most current version of the maps. Not to the static 2017 revision. Second, the Town's maps are supposed to show the best and most recent interpretations of geologic and seismic hazards, but the maps have increasingly and importantly diverged from the Hazard Maps published by the California Geological Survey on the United States Geological Survey. This divergent is particularly clear for inferred faults, not the known active faults. Both the Initial Study and the Safety Element must consider the CGS and USGS Maps as well as the Town's most current maps to determine geologic and seismic hazard. Thank you.

Chair Kopf-Sill: Thanks Nan and we're to our last... oh, let me take a speaker here. Go ahead Bob.

Mr. Bob: I have a question just to start. We... in the last meeting you were talking about zoning and this meeting you're not talking about zoning. So, I'd like to know when zoning comes back just so I have an idea of when that's appropriate for us to be able to deal with.

And secondly, one of the things in looking over and listening about CEQA, the General Plan has been developed over many years but I just suggest to the Planning Commission that the General Plan is the consolidated though of what the residents want. Now, if that's what they want, then when we do the HCD zoning and changes that we're going to do. I'd like to make sure that the General Plan, as it's written now, is thought through each time we're going to make one of those changes and I'll give just one example. Just one example is you have a creek and there's an argument over the creek. There's a creek at 4370, the General Plan shows it as a creek, but it doesn't name it as a creek. So, to me, now there seems to be creek there, but those kind of things I'd like to know when we're making the changes from that General Plan to whatever it is that we're going to do for the Housing Element and the zoning. And any comment on when that zoning discussion would be because it doesn't really lay out. You say you're going to have these meetings but it doesn't say which one is going to be zoning. So, whenever you can help us understand when that's going to be, I would like to suggest some good suggestions. Thank you.

Chair Kopf-Sill: Good, we'll go to, on Zoom, Betsy Morgenthaler.

Ms. Betsy Morgenthaler: Good evening Commissioners and I want to add my congratulations to everyone else's to both Craig and Judith. Well, thank you for what is cumbersome work and I'm a newbie at Program CEQAs and the format makes it extremely hard for me at least to get a foothold here. So, just a general observation, that when I'm flying at 30,000 feet, almost everything looks in significant and fuzzy. So, I turned to peer municipalities trying to understand others approached this same process and I found five examples. I didn't look beyond that and in terms of their organization and presentation. One name that every one of the five CEQA plans presented, and one that each one included so it was standard in all the cases, where multiple summary tables. They appeared in the first 20 pages of a multiple 100-page document. These summary tables were a grid, the delineated each

project by name, each project by impact, and next to that there were associated mitigation measures that were going to be taken. So, I looked at our document for something that was similar, and again so that I could get some kind of a foothold, some specifics. We didn't have anything like that and for my taste, it would have helped me a great deal in a means of approaching commentary. It's still high level as I guess this is intended to be, but it was far more grounding.

I do want to ask a few questions about, their kind of perfunctory questions, some of them, but about the high-level nature. Does HCD mandate that we assume this broad program CEQA study or is that at the discretion of each municipality? Could we instead do program-by-program studies if we so chose? Whether or not it's practical, could we in fact do it that way? Secondly, what is HCD's deadline for the CEQA study? I'm... I looked for it long enough that I'll put the question back to you because I couldn't find it. And theoretically, I guess this is back to the question that I just post, theoretically could we in fact accept as a first case a program study, if that is what is required, but subject to conditions that the Commissioners may or may not chose to put out there? That would include mandatory follow-up with project CEQA studies down the road. So, thank you for those, what I think are process questions, so if I received an answer tonight that would be fabulous. Thanks so much for your attention and for your work.

Chair Kopf-Sill: Thanks, Betsy. Next, we have Dale Pfau on Zoom.

Mr. Dale Pfau: Great, thank you very much for your time. My congratulations to Craig and Judith, of course, and I'm going to also thank Craig for bringing up the Safety Element in this discussion. Because as you all know we're in the process of review and as a personal statement, I find the Safety Element extremely wanting. It of course relies on an outdated fire map. We should be using the Moritz Map as a placeholder and we do expect to get new fire maps maybe as soon as January. And so, therefore, the Safety Element is going to be considerably different than what is currently presented, and to have this document, the environmental document, rely on a safety... a draft Safety Element that I find wanting seems kind of silly to me. A lot of work probably is going nowhere so I think you need to pay attention to that and to the timeline there too. We had a meeting of a subcommittee of the EPC this discussing the Safety Element and it could be months actually before we finalize the Safety Element based upon the commentary. So, please take that into consideration. It's very important that we get this right. Thank you.

Chair Kopf-Sill: Great, thanks. Okay, now maybe lastly, we have Caryl Russel but I think it's usually Bill.

Ms. Caryl Russell: Not to confuse you, this is Caryl Russell.

Chair Kopf-Sill: You're tricking me.

Ms. Russell: And amazingly Bill has conceded his 3 minutes to me so I will be speaking tonight. First of all, I would like to thank the participants who called in to speak with respect to the Safety Element, the geological issues, and the evacuation issues. I think that all of them put together show that there's some fundamental errors to the IS and the underlying data and I think the Planning Commission should look closely at that.

The General Plan recognizes the existence of the Applewood/Nathhorst Neighborhood. It consists of 27 homes. The IS describes 11 different areas within the town, yet there's absolutely no mentioned of our neighborhood, or the environmental impact on the neighborhood arising from the proposed zoning allowing three-story structures at 4370 and 4394 Alpine. The environmental impacts are real and these are impacts that are program related. Not project related because there are creatures of the Zoning Ordinances themselves and not as a result of the particular development of a single parcel. Both 4370

and 4394 are adjacent to and literally back up to single-family residences in the neighborhood. 4370 contains .88 acres of Open Space, described in the General plan as greenway creek open space and park. The General Plan also describes the creek located on this property and calls for its protection. For decades, the residents of our neighborhood have benefited from this open space as a noise and light shield from the nearby commercial development as well as protection for wildlife and protection of the vistas and views across the open space into Windy Hill.

Principle 9 of the Open Space Element of the General Plan provides that open space along creeks, streams, and scenic trails should be protected with the help of development setbacks, conservation easements, public acquisition of such properties as appropriate. We also need to remember that the General Plan states that open space can be on private land and that the size of the open space is irrelevant to the protection that needs to be afforded. Nothing in the IS seems to address these issues and concerns. It has been suggested that not only should there be new zoning ordinances, but that the General Plan should be amended to reflect the zoning changes. The General Plan is this Town's bible. It sets forth the hallmark principles on which this bucolic community was founded. The Initial Study completely fails to address this issue, nor does it discuss how and under what circumstances a General Plan can be amended and I note that many other speakers want to know the same thing.

In its draft plan, the Town has designated nine units for 4370 Alpine. These are not necessary to reach to the 253 RHNA units. If they are deleted there will still be 31 proposed units beyond the required 253 units. If the Town still believes that it needs these 9 units, then market-rate ADUs with no deed restrictions can be employed to make up the short fall. There is internal confusion concerning the proposed zoning for 4370. Nine units are proposed based on six units per acre. That is what is in the draft element describe... the draft element describes the property as 1.5 acres. However, the property is 2.4 acres, so to get to nine units it would be sufficient to zone the property for four units per acre.

Now some of the comments I've just made with respect to 4370 were based on the existence of dedicated open space on the land as reflected the Nathhorst Area Triangle Diagram which is part of the General Plan. However, I heard in the beginning of the Planning Commission meeting, Laura Russell say that the map was going to be changed to eliminate the open space. Was this because there never was open space and the map needs to be corrected? Or is the map being changed for the suppose of eliminating existing open space? And if the ladder, by what authority does she have the right unilaterally remove open space from the General Plan? Thank you very much.

Chair Kopf-Sill: Go ahead, Bob.

Mr. Bob: Thank you. The 2008 Moritz Map has been the official fire hazard map in our General Plan since 2010 and it serves as a basis for fire safety policies. To inform the Department of Housing and Community Development that the 2008 CalFire Map represents our fire hazards, as the Town did in August, is a dramatic departure from what's defined in our General Plan. And I'm wondering what the legal basis and by what legal authority did the defined Hazard Map in our General Plan was ignored?

Fire Marshall Bullard and fire safety consultant Zeke Lunder both indicated to the Housing Element Committee in January that the 2008 Moritz Map is the best hazard assessment we have for fire hazard and if anything, it understates our hazard. The Woodside Fire Protection District calls the 2008 CalFire Map unsafe and inaccurate. In rewriting our safety policies to base on the CalFire Map, polices are eliminated from up to 83 percent of Portola Valley's area. To be clear, it's not all fire safety policies that are eliminated. It's just the most restrictive ones. The ones that have been reserved for our most dangerous areas. Those are the ones being eliminated from large areas of Portola Valley. Why is the impact on fire wildfire risk of the change in Hazard Map and elimination of fire safety policies from large areas of Portola Valley not evaluated in the IS?

After repeated queries about the rationale for the... for changing the fire hazard map, we still don't have an answer. The Mayor indicated the 2008 CalFire Map was being used as a placeholder while we wait for updated maps, but that's simply a restatement that the Moritz Map is being replaced by the CalFire Map. It's not an explanation for the reason for the change. The Planning Director indicated that State Law requires that the CalFire Map be analyzed but the Government Code she cites does not require that the CalFire Map be adopted as our official fire hazard map in the General Plan or serve as the basis for our safety policies. What is the reason for selecting such an inaccurate and unsafe map? What is the reason for eliminating our fire safety policies from large areas of Portola Valley?

I'd like to ask a couple clarifying questions and one process question. I understand that the Town will respond to residents' comments by I think it was December 15th and my question is what happens if residents feel that that reason is inadequate? What recourse do residents have? A comment was made that if the CEQA review goes into an EIR process. The Housing Element couldn't be adopted until that EIR is complete and I was wondering if you could elaborate on what that process is and how long it would take and what the ramifications would be if we are not able to adopt our Housing Element? Thank you.

Chair Kopf-Sill: Okay, I think that... oh gosh, come on. I guess everybody wants to be the last speaker, is that it?

Mr. Rusty Day: No, I hope there are more.

Chair Kopf-Sill: Yeah, you're not the last.

Mr. Day: Good. Thank you, I... Rusty Day and I began my comments this evening during the public session by speaking about the integrity of governance. Now I want to talk with you about the integrity of our CEQA review and I want to talk about the integrity of the CEQA review because I want to address my comments to the Planning Commission. Not the staff, not the consultants, I want to talk to you about your role in this process and your responsibility in this process. You are the ones who are charged with defining whether we are performing an appropriate CEQA review of the changes that we're proposing. We're looking to you, the residents, to protect our interests to ensure that this process is performed correctly with integrity, and I think what does that mean to have an integrity in the CEQA review? I think we all can understand whether a house or a product is well designed, well built with quality materials, and craftsmanship so that it will last for a long time.

Now let's take a look at the CEQA review that you're... this Initial Study that you're looking at and let's think about some of the questions that Commissioner Taylor, Commissioner Targ asked tonight. Is this premature? We don't even have a Safety Element to look at. We don't even know what our safety policies are going to be or what hazards are going to be and we're doing a hazard assessment in an Initial Study without that information? Isn't that a little bit premature? We don't have the zoning districts that we're going to adopt, defined and laid out on a map so we don't know where they are. We don't know what parts of town they're going to effect. Isn't that a little premature and indefinite and in specific? How do you assess environmental impact of a district you don't even know the boundaries of? We've got no approved wording for the changes that we're going to be making of the General Plan. Let alone the Safety Element or the Housing Element and yet we're going to assess their environmental impact when we don't know what they are?

The other point that I want to raise about the integrity of this review was brought out I think most clearly by Commissioner Targ. We're told tonight that this is a project review, despite what the document says. It's a program review. Well, why doesn't it say that? Why isn't that distinction explained in the Initial Study? Why aren't we informed and educated that this is a program review, not a "project review"? The document says it's a project review and it sweeps within the scope of that project. Every development

project, including the Stanford Wedge, including Ford Field, every development that's in the pipeline are proposed. If this is, in fact, a program review, that should be specifically called out and you should insist on language in this Initial Study that makes very clear what the effect of this program review will be on all pipeline, pending, and future, development projects. You should clarify, that's your responsibility. That's the Planning Commission's responsibility. Staff hasn't done it, you need to.

Chair Kopf-Sill: Times up, thanks, thank you, Rusty. Is there anybody else in the room that would like to speak? Hey Kristi, we're going to let you finish up. You're on.

Ms. Kristi Corley: Oh, hopefully, I'm not the last because this is an important topic, and the more that can speak, the better. I wanted to thank the Commissioners who asked questions. I think you are the ones that need to ask questions to protect our environment. We only have three minutes to talk, you can take it longer and I expect that.

I do think that 401 additional trips seems low with 700 plus residents. Maybe we should look at the days of the week and the times of the day and the date that these were done. Should they be redone if they are older dates?

I'm concerned about the commute... the effects over time rather than each project giving it a Negative... Mitigated Negative Declaration per project. We need to look at all the projects together and look at the commute of... I'm trying to say the effects over many years. Not just for that individual project which is what we're being told to do. Look at each project, then we'll decide. No, we need to look at the whole plan together and make sure we look at the cumulative effects.

I believe we should hire a CEQA land use specialist to make sure the proposal of Mitigated Negative Declaration is exactly what we should do and take recommendations accordingly.

I think we should look at the report from the Fish and Wildlife that was done for the Stanford Wedge on May 13th and that should be a part of this study. We should also ask the Water Board to be involved and be consulted because we have the river running behind some of these projects and through some of these projects. I do believe that the Fish and Wildlife called out the tributaries. They said "if a project would impact the unnamed tributaries to Los Trancos Creek or any other streams or associated riparian habitat. Then the project would be subject to LSA notification requirements as further described below". So, there also is many animals that are fully protected in this report and I will just name a few. So, they found that the San Francisco Garter Snake is fully protected and it's a year-round cycle and the construction/maintenance activities have a potential result in direct and indirect. If you have direct or indirect take or indirect take of any of these, at any stage of their life cycle, through the construction of roads and loss of habitat. Then these are fully protected so that is one.

Chair Kopf-Sill: Thanks, Kristi. Okay, is that it? Thanks, Kristi.

Ms. Corley: No (interrupted)

Chair Kopf-Sill: And I'm not trying to discourage anybody.

Ms. Corley: Well, then ask the questions for us because you can talk longer. Really, please ask these questions. Please [unintelligible](interrupted)

Chair Kopf-Sill: So, Kristi, we have a procedure, you can send comments in and they'll all get either before meetings but in this process before there's a date. There's a 30-day open period so definitely put your comments into those.

Ms. Corley: We're trying to let others hear us and start thinking themselves.

Chair Kopf-Sill: They can read the comments too. I'm going to stick with the three minutes, but if anybody else would like to speak now is the right time. Put your hand up on Zoom or here? Yes, great, okay.

Ms. [unknown speaker]: I'm sorry I missed the... a good deal of Laura's presentation but I was struck by one thing which was the standards which were [unintelligible] I felt. And that's... I come to my convictions about the Town and about nature from the point of view of restoration, not mitigating against our worst possible outcome. So, it strikes me that as a Town that works towards it... making an honest effort to be an ideal Town and doing a great job at it. We should do better than just accepting that the standard was the way things are right now because we actually know that things are not going well with our current environment. And it would just be wonderful if we could just up the anti-just a little bit so that each time we make a change. We make the world a little better instead of a little worse or mitigate against worse changes. Thank you and thank you for your good work.

Chair Kopf-Sill: Good, thanks. Anyone else here? Anybody else on Zoom? Oh, wait did you... you already spoke though, didn't you in this section?

Ms. Vernazza: [unintelligible – in the audience off mic]

Chair Kopf-Sill: Okay.

Ms. Vernazza: [unintelligible – in the audience off mic]

Chair Kopf-Sill: This is... this... talking specifically about the... this environmental thing. There's specifically this 30-day window. We take comments here but there... that 30-day window is still open. So, those comments are what I'm talking about will get addressed in a package.

Ms. Vernazza: [unintelligible – in the audience off mic]

Chair Kopf-Sill: It will be a document on the website I presume.

Commissioner Hasko: Anne, if it could ask for even my own education, where on the website do you submit or is the information to send the submission to? And then when and where will the responses be available? I'd kind of like to know both.

Planning & Building Director Russell: So, we would like comments to be submitted through the email address housing@portolavalley.net. That's the best way to send them in. So, that's... you can put attachments that way, that's the best thing to do. That email address is the best way to get them into this process.

Then there will be a response to comments memo and then there will be a FAQ on the procedure like questions about what the steps are. I can't promise that we're going to be able to answer every question that comes in from every resident. That's not a, you know, kind of a typical part of this process to answer every question. So, we're trying to respond to comments and answer process questions.

Commissioner Taylor: Through the Chair? I think we have to be really careful. We're using comments and questions interchangeably and they're not. Comments are people expressing concerns, opinions on something that's written and we hope... you know, staff's going to look at those comments and then hopefully alter the document to take those into account. Questions are more of these open-ended like well, how's this going to happen? Why are you doing this? That's not part of a process for getting a

document done. So, that's why I was trying to separate. I think there's some of these questions that are process questions that we ought to do as an FAQ because all of us, Planning Commission and the public, want to just understand how this process is going to unfold and so, those feel to me like things we should put on our website. It's independent of the IS/MND but it's about the process of delivering it and so those I just think go on the website and Laura can decide a place to put them. But I think we need to make sure that that's clearly separated from the comments that we're making on the IS/Mitigated Negative Declaration. So, that's what I... I hear this, it just seems like we keep flipping back and forth and I don't think it's reasonable to expect that Laura's going to answer every question that everybody has about an IS/MND. That... I don't think that can happen, like I don't think that's practical just from a staffing point of view, so at least that's my opinion. So, I would ask for the public to make sure that you kind of separate your concerns into the questions that are about process and I listed as many... you know I've got a half a dozen here that I heard. But I want to make sure that before we close up that we read out loud so that Laura can say great, I will make sure I post an answer for those. But the rest I think should be comments that go against the IS/MND and Laura will come up with a document. This is here a response to comments but it's not going to be an answer to each individual question. It's going to be a general document that it basically is here are the changes that we made based on the comments that we got. At least that's my understanding of how we're approaching it.

Commissioner Hasko: Yeah, if I could.

Chair Kopf-Sill: Go ahead.

Commissioner Hasko: I think part of the point is people would like to know what those comments are from each other to each other. Rather than them going in and having a work product that may address some but not all. If I understand correctly it's not they're not allowed to talk within the meeting to each other and they're given three minutes and they kind of want to know what they're neighbors are saying or the comments that are being made and is that not part of the process? If it... I mean let's just be honest with... is that possible or not?

Planning & Building Director Russell: It's not normally part of the process.

Commissioner Taylor: Well, I think we could post the comments. I just don't want to get staff in the position of having to feel (interrupted)

Commissioner Hasko: I understand.

Commissioner Taylor: They have to answer each individual comment. That's (interrupted)

Commissioner Hasko: I understand, but one is easy, post stuff (interrupted)

Commissioner Taylor: Post, yeah.

Commissioner Hasko: Somewhere. One's hard and may not be completely achievable so.

Planning & Building Director Russell: We can post the comments as they're coming in if the Planning Commission would like us to do that. So far, they have been made public. What we have received (interrupted)

Commissioner Hasko: They have?

Planning & Building Director Russell: Has been made public already. They've been attached to Packets but people would have to comb through Packets.

Commissioner Hasko: Exactly, exactly, I'd kind of like (interrupted)

Planning & Building Director Russell: So, yeah, we could batch the public comments (interrupted)

Commissioner Hasko: A place to see them.

Planning & Building Director Russell: And especially, I mean it's not going to be perfect because they're going to be coming in fluid and then they come in more often towards the end but yeah, we could do that, sure.

Chair Kopf-Sill: I like that.

Commissioner Hasko: If it's a relatively easy thing to do I think it could be helpful. If... I mean I didn't want to create a conversation but that's what I'm hearing.

Chair Kopf-Sill: I like that, yeah. Good, so how about if we answer the questions as good as or the process questions that you can answer?

Planning & Building Director Russell: Sure (interrupted)

Vice Chair Goulden: [unintelligible – off mic]

Commissioner Taylor: So, Anne, could I just make a suggestion (interrupted)

Commissioner Hasko: [unintelligible – off mic]

Commissioner Taylor: On the FAQ? Because could we just list what the questions are and not answer them tonight but actually have them posted on the FAQ? Because that's my concern is if you're not at this meeting or you don't read through all this stuff. Then you don't get this whereas I think if we just said we've all agreed. Here are the questions that we heard and they will be answered on the FAQ rather than actually doing the answers. Could we... would that be okay?

Chair Kopf-Sill: Couldn't we do both? I mean if people do like to hear right now to the extent that they're straight forward to answer. Get them now and then separately if it's in the FAQ, I like that.

Planning & Building Director Russell: Sure, I'm happy to do that. I mean it's only 9:36.

Chair Kopf-Sill: Exactly, I am feeling like we got plenty of time here. We got plenty of time.

Planning & Building Director Russell: Okay so here's some of the big process questions that I heard and then we can make sure that we got them all collected at the end. So, that we can get an FAQ document together.

So, we were talking about how does a General Plan get amended. Who has the authority to do that? It's not me, number one. Okay, so General Plan amendments are subject to a State Law process. The State Law process says that the Planning Commission has to review it and make a recommendation to the Town Council and the Town Council has to adopt it. So, that is a legal process. The minimum that's required by State Law is one public hearing... meeting before the Planning Commission and one public meeting before the Council. Some cities do that. I'd be very surprised if this Town ever did that. I would expect there would be multiple meetings, typically by both bodies, in order to do that.

And there's kind of a question about like a big picture. I take it as kind of a philosophical question about amending the General Plan in general. This is a decision that's made by the local jurisdiction. The State requires us to update certain elements of our General Plan under certain timelines. And there's also some laws that say that you have to generally check in on your General Plan elements and periodically update them is kind of the way the Law works. Most cities undertake a comprehensive update to their General Plan periodically. That has not been the way that this Town has done it. There was a big update to the General Plan, I'm sure it was in 1998, where a majority of the elements were updated. But it's very unusual for there to be General Plan that has not undergone a comprehensive update for the length of time that this Town has not. And I... again, I take that as an active decision, a philosophical decision, but it is still typical and standard for most cities to periodically take up different issues, revise the General Plan and keep it up to date with the community's expectations at the time. So, there are lots of community that's update their General Plan regularly. So, I just want people to be aware that that's normal. So, is done here is pretty atypical, not to say it's bad, but it is atypical. So, there's even a law that says you can only update certain elements four times a year. I mean that tells you that some cities update their General Plan four times a year.

Chair Kopf-Sill: Right.

Planning & Building Director Russell: I mean so, you know, there's places that schedule General Plan updates quarterly because they do them four times a year. So, there's a whole range of things that might be done. So, I just want people to have that kind of background general knowledge.

Okay, so there was questions about reviewing peer documents and this came from Betsy, and that there were tables with the mitigation measures. I would guess that she's talking about what's called the Mitigation, Monitoring, and Reporting Program, MMRP. We will have one of those also. We're just not to that stage yet to have produced that document.

Commissioner Hasko: In though... in this (interrupted)

Planning & Building Director Russell: Yes.

Commissioner Hasko: Report?

Planning & Building Director Russell: There will be an MMRP that goes along with this IS/MND and so what you do is you take out all of the things that have mitigation measures. And you put all of them into a table and you assign a responsibility for who's responsibility it is to monitor those things. So, that product will be forthcoming. That's normal part of an MND.

There's question about whether HCD mandates a program-level CEQA analysis and it's not exact HCD. It's actually CEQA law that says that you have to do CEQA review on General Plan amendments. So, the State Law says you have to do a CEQA review on General Plan amendments but then depending on the nature of the General Plan amendments you're making. The level of CEQA review could vary greatly. It could be a little tinier review or it could be a gigantic EIR that costs a million dollars would be a typical EIR that goes with a very big General Plan amendment. So, anything in there but you have to do something in order to amend your General Plan. You have to make some CEQA statement to adopt a General Plan amendment. So, this proposal, this MND, has a relationship and a proportionality to the scope of the General Plan changes. If there were a lot more General Plan changes, it would have to be more a robust document. So, it's kind of in the middle is a good way to think about it.

And then there's a question about what's an HCD deadline for a the CEQA study. Well, it's an indirect deadline because we can't adopt a General Plan amendment without a CEQA analysis. Therefore, we have to finish the CEQA analysis if the Town's intent is to adopt the Housing Element by January 31st.

And then there's a question about could we do a program study and then require mandatory CEQA study down the road. The State Law already does this but maybe not in the exact way that she was asking. But every project still is required to undergo its own individual analysis, but the level of review might vary. So, I think her question was could the Town require a higher level of review and under CEQA law not really because everyone... every applicant, you know, has falls... that... they may fall in the different categories like Cara was talking about. There are certain things that are exempt under State Law and certain rules. So, the applicant has a reasonable expectations. The CEQA law is going to follow the best practice and the case law when they make an application. The Town can require additional analysis through other measures. You know, we just have to make sure that that's compliant with other parts of State Law. Right, so that's where like our own local findings and our own decision-making process come into play.

Commissioner Taylor: So, if you could just add to that. I mean what I heard was, in addition, was that there was a concern that some how the program CEQA could obviate the need for a project CEQA. That's... and I think you just need to answer that directly which is what you've told us in this meeting is that it does not.

Planning & Building Director Russell: It does not. Even project that comes up after the program analysis still has to be analyzed on its own. This gets pretty nuanced but when Commissioner Targ was asking a question, so once you've adopted a General Plan and then you have a project that comes in. It being consistent with the General Plan is one of the main findings that you have to make right, to be able to approve a project, as the Planning Commission well knows. Right, so by adopting these amendments to the General Plan, we've created those policies that sometimes make it easier to achieve a CEQA exemption because it's consistent with the General Plan. It doesn't require a General Plan amendment to approve that project. So, that's where there might be specialty exemptions and Commissioner Targ was talking about an infill exemption or an affordable housing exemption. That it may be one step easier to use an exemption on that project but there would always still have to be an analysis of every individual project that came forward. It could be exempted, it could require an EIR, or anything in between. Is that helpful?

Commissioner Taylor: Sure, I just think you want to be explicit that there will be this explicit analysis because I think from the lay point of view. There's this concern that some how the program thing then supersedes anything else and you're saying it doesn't. That there's still going to be an analysis on each individual project. So, all I'm saying is just make sure that that wording clearly gets in there because I think part of what we're trying to do here is put some of these concerns to bed. So, they don't keep coming up over and over and over again. Its like look, this is... this question has been answered and I understand what you're saying. It's nuanced and I'm okay with that but each project will get a review. None of them get a pass.

Commissioner Hasko: I have a question that pertains. A review of whether there is a review is what I thought I heard earlier. Like for some projects you can't have any additional burden, right? That's just... so I don't want people to misunderstand. Some projects, nothing more ever.

Commissioner Taylor: Yeah, they might not have to do CEQA or a Mitigated Negative Declaration but there will be analysis that says whether they have to do it or not.

Commissioner Hasko: Yeah, yeah [unintelligible](interrupted)

Commissioner Taylor: There will be nothing that just gets a pass that says because the program thing was passed, this is just passed for free. There's no further (interrupted)

Vice Chair Goulden: We've heard this like four times tonight, let's move on.

Commissioner Taylor: Yeah, no I agree, I just... but I'm trying to get after my goal of this FAQ is to make these things so clear that we don't keep getting these questions over again which is why I'm hammering this into the ground and then another (interrupted)

Vice Chair Goulden: We'll still get the question again.

Commissioner Taylor: Let's try to not get it again. You may be right, I'm trying to be less cynical.

Vice Chair Goulden: Where are we?

Chair Kopf-Sill: We were (interrupted)

Planning & Building Director Russell: That's what I have for process questions. If others have written some down, I'd be happy to make sure we've got those in the record.

Chair Kopf-Sill: I had one more. Bob asked when is the zoning being three more meetings.

Planning & Building Director Russell: Oh good, thank you. Okay, there will be parts of the zoning will be back on November 30th for that meeting and we'll be talking about the amendments to the other elements of the General Plan on November 30th, two weeks from tonight. So, those... that's a really important meetings, that's the first time that we'll talk about the other amendments to the General Plan. And then we're just continuing to work on what you've requested for the zoning. So, we'll bring a piece back on the 30th, and then we'll continue to work on that. I'm going to be working with the Chair to come up with like an organizing principle of how we're going to organize the next three meetings. So, we're working on that. We talked about that so that you've got, you know, really the 30th and the 7th of December to discuss these issues. So, that stuff is in pretty good shape for you to make a recommendation on the 13th.

Commissioner Taylor: So, I've got some. On the General Plan, there's... I would say there's two things and this goes for the IS/MND as well, is what's the deadline and I think the answer to that is January 31st?

Planning & Building Director Russell: Yes.

Commissioner Taylor: Right, that's when we're getting... but I think we should just state that... and you stated it multiple times. I'd just like to get it in the FAQ that our goal is to get the Housing Element, the modifications to the General Plan, the Mitigated Negative Declaration, all those things need to get done for the... at the same time. And then maybe explain why the Safety Element in this draft form can then come in later, so that people can see that in the FAQ.

Planning & Building Director Russell: Okay.

Commissioner Taylor: And then there were two questions, one was on this fault trace, why the map got changed. I think that needs to get answered. I mean I don't know what the answer is and at some level, I almost don't care other than I think the public deserves an answer on how it got changed. And it may have been administrative, I mean whatever it is, but let's just write it down so that we don't have to (interrupted)

Vice Chair Goulden: We already have though. [unintelligible – off mic] meeting with the Town Geologist nine months ago, right?

Commissioner Taylor: Well, then lets (interrupted)

Vice Chair Goulden: Anyway, we can dig it out.

Planning & Building Director Russell: Yeah, I mean we've covered it but we'll dig it out, sure.

Commissioner Taylor: Great, so let's put it... I'm just saying for the FAQ, let's just make sure that it's there so we don't have this. And then the same thing with the change in the wild fire map. I mean why did we go to Calfire and what are the implications of that? Because that's clearly... I mean wildfire risk is clearly a big issue for everybody here and so that one's kind of a hot-button issue.

Planning & Building Director Russell: Do we want to speak to I think it was Bob's questions about what recourse do the residents have? So, the... we will issue, we being the staff consultant team, will issue the response to comments memo, and then if residents don't think that that's sufficient. Then they need to bring those comments to the Planning Commission and/or the Town Council meetings. So, that's the recourse for the residents and I think along with that was a question about an EIR process.

So, what would happen if there were significant impacts in our analysis? An EIR process has more steps than a Mitigated Negative Declaration does and so it would be a matter of going through those additional steps. Months that were associated with that additional work, so it would delay adoption of the Housing Element.

Commissioner Taylor: Right, which gets to my... I think basically my last point is we've talked about it here but putting something up on the Builder's Remedy. So that people... because I think some of the public is starting to feel like this is being used as a threat to force this through on the 31st which I don't think is at all the intent of staff. I don't think... staff's just trying to do their job and I'm totally on board with that. I think people need to understand that by not getting it done, what risk the Town's at and I think that should be up as an FAQ. Just something that says there's this thing called Builder's Remedy and here's what happens if we're not substantially in compliance. And I know you said it many, many, many times. I'd like to get it in the FAQ so it's one place and I can point people there and say look, here's the answer to this question and we don't keep re-answering it. Does that seem reasonable?

Planning & Building Director Russell: Yeah, it's just hard to write some of those answer on something that so uncertain but we just need to capture that in an answer. I understand your point.

Commissioner Taylor: Right and I think it's okay to say look, we don't know for sure and I think we don't. I mean (interrupted)

Planning & Building Director Russell: Yeah, we don't.

Commissioner Taylor: We don't know if there's any builders who would want to take advantage of it. We don't know what's substantially in compliance means. I think it's okay to say these are... but how much risk do we want to take? Because that's the question that openingly gets asked of the Planning Commission and the Council to actually make that judgment call. The public at least needs to know that there is a judgment call that needs to be made. That it's not just an idle threat. There is some risk and then you just have to decided how much of that we want to take on.

Planning & Building Director Russell: Right, it's a risk analysis (interrupted)

Commissioner Taylor: Yes.

Planning & Building Director Russell: For, starting with the Planning Commission and your recommendations and then ultimately with the Council.

Commissioner Taylor: Yeah, yeah great, thank you. I think that would be helpful.

Commissioner Hasko: If I could just add one request. The fault map, I think there was both the substance but there was also the process. What is the normal process for amending the fault map and what happened here? So, that's the question and then I did hear a request for clarification and on where Nathhorst/Applewood is in the zones. So, I don't know if that's something for the commentary memo but there was a lack of express reference. This was Ms. Russell's comment.

Planning & Building Director Russell: Okay.

Vice Chair Goulden: Yeah, some of those elements didn't quite match up.

Commissioner Hasko: Yeah, it wasn't clear (interrupted)

Vice Chair Goulden: [unintelligible – crosstalk] my own [unintelligible] area is lumped in with [unintelligible] in one particular section which doesn't bother me but it doesn't quite line... I don't [unintelligible](interrupted)

Commissioner Hasko: Yeah, exactly. Where is it suppose to be? Yeah.

Chair Kopf-Sill: Got everybody's process questions?

Planning & Building Director Russell: Yeah, we got them all? Okay.

Commissioner Taylor: I mean I'm hoping this will help improve things because I'm trying to take load off of you. I mean I know this probably sounds like more load right now but my long-term goal is to take load off you so hopefully, we'll achieve it.

Chair Kopf-Sill: Good, okay, Item Number Two.

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(2) Commission Reports

Chair Kopf-Sill: [unintelligible]

Vice Chair Goulden: Commission reports.

Chair Kopf-Sill: Commission reports, any Commissioners with a report?

Planning & Building Director Russell: If I could through the Chair, say thank you to our consultant team than came to the meeting tonight.

Chair Kopf-Sill: Oh yeah, oh thank you.

Planning & Building Director Russell: Thanks for coming, good night.

Commissioner Hasko: Thank you.

Chair Kopf-Sill: Appreciate it.

Vice Chair Goulden: I finished with one item and you like jump. What am I going to do next as opposed to saying good bye, thank you.

Chair Kopf-Sill: Good, okay I think I'm hearing no Commissioner reports.

(3) Staff Reports

Chair Kopf-Sill: Staff report.

Vice Chair Goulden: Got anything else you worked on?

Commissioner Taylor: No.

Planning & Building Director Russell: I would like to report that our new Development Review Technician Thomas is really doing a wonderful job and it's amazing to have another staff person. So, that's really great and I think you all know this but our Senior Planner Adrian is back from maturity leave. She's here tonight in the background listening and she'll be writing that FAQ so we can all be excited about that. So, it's tremendous to have another full-time person and my full-time person back. So, it makes a really big difference for my team.

Chair Kopf-Sill: Great.

Commissioner Taylor: Where do you think you're going to post it on? Like if the public where to go look for it and say we... do you have an idea where it would be?

Planning & Building Director Russell: It will be on the Housing Element page on a tab called public comments.

Commissioner Taylor: Okay, great.

Chair Kopf-Sill: And then we had a Housing Element meeting. I think the Commissioners were all there so nothing new to report but we got Laura's report on the letter from HCD.

Planning & Building Director Russell: Yeah so, I'd be happy to take any questions but I think you're all very much up to speed on that. So, that's all I have for you for a staff report.

Chair Kopf-Sill: Okay.

Chair Kopf-Sill: We'll go onto the minutes where we have (interrupted)

Planning & Building Director Russell: I'm sorry, through the Chair, we have a hand up that we should take.

Chair Kopf-Sill: Oh, that's right, that's right and yes, of course. Yes, Rita?

Ms. Rita Comes Whitney: Hi, thank you for taking my comment. Just a question, with all of these projects that we have going on that the same time, as I mentioned earlier. It would be really nice to see what's the update. You know, such as the Stanford Wedge dEIR that so many of these other documents seem to be referring to in some way. It would be really nice to see like all of these consultants are working on that particular project but that was done, what was it? May 13th and we haven't had a public comment on what's the status of that particular document and we're unanimously

waiting that particular document because the Housing Element touches on some things. The Stanford Wedge is included in the Housing Element as housing units and affordable housing units. So, it's just not very clear and a lot of our questions could be answered by the effort that we've put forth in answering and making comments and questions on that particular document. It would make life a lot easier for us and it just seems to be something that's pending and we're just doing new projects and not finishing up these other pending ones. But like I said before, fixing holes in the past projects but they're not being closed. They're not being finished, they're not being done but we seem to be starting new projects to fix the holes in those past projects that are not finished. Please, I know this particular Commission is going to be changing in the next couple of weeks. Please, finish some of those projects. The residents really want those things finished and it just seems like there's a rush to the gate but these things need to be finished and they need to be documented. So, that we have then a history of what we need to do moving forward in five years from now, eight years from now when we're looking at these same issues again. We have something to look back on, on what happened at this time. Thank you.

Chair Kopf-Sill: Let's see, next Caryl Russell and we're taking comments on the staff reports right now. Go ahead Caryl, your hand was up, then it flashed away. Now it's back up.

Ms. Caryl Russell: Sorry, that's... I'm not... I don't have any questions of the staff. Thank you.

Chair Kopf-Sill: Thanks. Kristi, we're taking comments on the staff reports, go ahead.

Ms. Kristi Corley: I'm going to pass as well.

Chair Kopf-Sill: Okay. Can you come up to the mic, if you don't mind?

Vice Chair Goulden: That way you're recorded.

Mr. Rusty Day: As part of the F and A that Commissioner Taylor is requesting, could the slides that were presented tonight be publicly available on the website so all residents can see the material?

Chair Kopf-Sill: Let's see, we'll move on to the minutes. We have (interrupted)

Planning & Building Director Russell: Can I speak to Rita's comment?

Chair Kopf-Sill: Of course, yes.

Planning & Building Director Russell: I answered this question the last time Rita asked it which is the response to comments is still underway. It's been a tremendous amount of work. We received hundreds of pages of comments. We had to extend the contract. Our consultants had a sub-consultant availability issues and I indicated that we would be updating the website and our project planner has requested those changes. They might be live by now, if not they will be soon, but it's just not done yet. There's been that much work.

Chair Kopf-Sill: Thanks, Laura.

APPROVAL OF MINUTES

(4) Planning Commission Meeting Summary Minutes of November 2, 2022

Chair Kopf-Sill: We'll move on to Item Number Four which is minutes from our last meeting which we have long meeting minutes now. Thank you, Laura. Does anybody have comments on these meetings... these minutes?

Commissioner Hasko: I think they're great. I really appreciate it. I know how much work it is but I do have my usual set of clarifications. I think they're all pretty straightforward. Page... Red Page 37, mid... just above mid-way, the "unlined zoning". I think it means underlying zoning. Red page 41, at the very last it says I commented, etc. "and that would constrain public comment... the public input". I also said because it would result in one fewer meeting or fewer meetings. So, you can check if that's... if my recollection is accurate but that was an important point, hopefully, it's on there.

Commissioner Taylor: [unintelligible – off mic]

Commissioner Hasko: 44, Red Page 44, mid-way down, I... Commissioner Hasko noticed that the concept for "afflicted partners" should be "affiliated partners".

Planning & Building Director Russell: That's a good one.

Chair Kopf-Sill: That is a good one.

Vice Chair Goulden: Spelled correct gets [unintelligible].

Commissioner Hasko: Red Page 47, Dorthey Ford Park, right in the middle, is "Dorthey". It is a typo kind of thing. Red Page 48, the long paragraph starting Betsy Morgenthaler, four lines up from the bottom, I think it's "minimum lot width", "l-o-t" instead of "lock width". And then the next paragraph, Ellen Vernazza, the second line I think her point was eliminating parking on Applewood Road... it says "eliminating parking would continue to block the properties". I think she said unless you eliminate or allowing parking because logically you would only block properties if there were parking in the way and this is phrased as eliminating parking.

Vice Chair Goulden: Yeah, I think it... she said not eliminating parking.

Commissioner Hasko: Yeah, yeah. Okay, they were long so thank you. Oh, Red Page 51, second paragraph, Commissioner Hasko stated and second line "what needs to be done by January 31, 2023" not "2022". And then the very first paragraph on that page, I think there's a period where there needs to be a whole sentence concept. "If the Town"... yeah, "Commissioner Targ said the issues regarding setbacks are priority and while he was concerned about building separation and wildfires" period. I think that's suppose to be comma "the Fire Marshall will provide their comments". So, I think that was just a typo. Red Page 51, last big paragraph, kind of about eight lines up from the bottom. Here there's a sentence saying "with has to be done". I think it should probably say "this has to be done" or something. Red Page 52, I'm losing the audience, sorry guys. Commissioner Targ, it's about one, two, three, fourth paragraph, it says towards the end "requested a crosswalk to be developed that identified the line in the Housing Element that generated the modifications". So, I don't know what crosswalk was supposed to be there.

Commissioner Taylor: That's a Targ term.

Commissioner Hasko: Oh okay.

Commissioner Taylor: It's sort of bringing together two ideas.

Commissioner Hasko: Oh okay, if it's a Targ-ism, we can leave that.

Planning & Building Director Russell: Yeah, it is.

Commissioner Hasko: Alright, sorry Nicholas, I now respect that term. Alright, that's it.

Chair Kopf-Sill: Okay good,

Planning & Building Director Russell: And guardrails, we all say guardrails now because of Commissioner Targ.

Commissioner Hasko: Crosswalk and guardrails, okay. I'm on board.

Chair Kopf-Sill: Anybody else have comments on the minutes from the Commission? I have one on Red Page 47, at the top, the first paragraph it talks about me, and then it was about the Opt-In Program and how many parcels. Then it just has a hanging thing that Carla Violet, Urban Planning Partner. I think she answered that there were 150 might be the rest of that sentence.

Planning & Building Director Russell: Yeah, I think we said approximately about 150.

Chair Kopf-Sill: That part's easy. That's it.

Commissioner Taylor: You ready for a motion?

Chair Kopf-Sill: No, we have to take public comments.

Commissioner Taylor: I wasn't sure where we do that. Do we do it before the motion?

Planning & Building Director Russell: Yeah.

Commissioner Taylor: Great.

Chair Kopf-Sill: So, we'll take public comments on... just on these minutes if you don't mind?

Chair Kopf-Sill: So, let's see, Kristi Corley.

Ms. Betsy Morgenthaler: This is actually Betsy Morgenthaler.

Chair Kopf-Sill: That's fine.

Ms. Morgenthaler: So, am I taking the wrong spot?

Chair Kopf-Sill: Nope, nope.

Ms. Morgenthaler: I just wanted to say that there must a very long German word for this sweetness of having something lost and then suddenly returned to you. So, I just want to say thank you so much staff for making this happen. It's totally wonderful and one of my favorite of the Planning Commission meeting is listening to Judith go through a very long list of corrections because attention is love. So, thank you all. I think it's a wonderful moment.

Chair Kopf-Sill: Okay, great.

Commissioner Taylor: You can look forward to it at the Council.

Chair Kopf-Sill: Great, Caroline, I think that's your number up there.

Ms. Caroline Vertongen: My hand was raised on other issues and so this is not about the minutes. It's about the conduct. I don't think it's appropriate that people are laughing when we, the residents, have been impacted by the lack of process and the lack of abiding by our General Plan. We are all impacted

and to continuously propose wonderful propositions but again, like I said today, the CEQA rules have not been applied. And not to list the CEQA rules and then ignore the cumulative impact for all the projects in the last 5 years that have been approved by staff. All just approving it and saying that they were not... that they all were CEQA exempted and we all have submitted the data to show that the decision-making by staff was incorrect. This is appalling and it's not acceptable. Thank you.

Chair Kopf-Sill: Kristi Corley, we're taking comments on the minutes.

Ms. Kristi Corley: Yes, Page... Red Page 49, second sentence, for the Opt-In Program she inquired what process a parcel would have to go through to be included in the program. I think I said that many residents are not in favor of the Opt-In Program and because it can cause problems with the neighborhoods and between neighbors possibly. And I encouraged you to research the town of Santa Clemente and what happened there. Thank you.

Chair Kopf-Sill: Can I go back to the last comment from Caroline? You know, when people criticize the Commission, I feel like yeah, I'm going to take it but it's kind of hard to listen to you to criticize the staff. I'm positive they have not slide projects through that shouldn't have been slide through. If there were ones that were required to have administrative review, I'm sure they did that but I really can't listen to the staff is doing something wrong or not right, so I didn't like that. Now, we can have a motion on the minutes.

Commissioner Taylor: I'll make a motion to approve the minutes of November 2, 2022.

Chair Kopf-Sill: With the changes that (interrupted)

Commissioner Taylor: With the changes as stated.

Chair Kopf-Sill: We all made, yeah.

Vice Chair Goulden: Second.

Planning & Building Director Russell: Commissioner Taylor?

Commissioner Taylor: Aye.

Planning & Building Director Russell: Commissioner Targ?

Chair Kopf-Sill: We couldn't hear you.

Vice Chair Goulden: [unintelligible] (interrupted)

Chair Kopf-Sill: But I could see him... yeah, I could see him.

Commissioner Targ: I'm sorry, can we have the crosswalk, please?

Planning & Building Director Russell: We kept the crosswalk, are you in favor of the minutes?

Commissioner Targ: Yes, indeed.

Planning & Building Director Russell: Commissioner Hasko?

Commissioner Hasko: Aye.

Planning & Building Director Russell: Vice Chair Golden?

Vice Chair Goulden: Aye.

Planning & Building Director Russell: Chair Kopf-Sill?

Chair Kopf-Sill: Aye.

Planning & Building Director Russell: Motion passed 5 to zero.

Commissioner Taylor moved to approve the minutes of the November 2, 2020, meeting, as amended. Seconded by Vice Chair Goulden, the motion carried 5-0.

ADJOURNMENT [10:35 p.m.]

Chair Kopf-Sill: And how about a motion to adjourn?

Commissioner Taylor: Motion to adjourn.

Vice Chair Goulden: Second.

Chair Kopf-Sill: All in favor.

[All Commissioners said aye]

Chair Kopf-Sill: Thanks everyone staying till the bitter end, even the minutes.

Planning & Building Director Russell: Thanks, everyone.

Commissioner Taylor: Thank you.

Commissioner Taylor moved to adjourn. Seconded by Vice Chair Goulden, the motion carried 5-0.