

SPECIAL TOWN COUNCIL MEETING NO. 743, APRIL 23, 2008

ROLL CALL

Mayor Derwin called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance. Ms. Howard called the roll:

Present: Councilmembers Driscoll, Merk, Toben and Wengert, and Mayor Derwin
Planning Commissioners Gilbert and Zaffaroni, and Chairman McKitterick
Absent: Commissioners Elkind and McIntosh
Others: Town Planner Mader, Dep. Town Planner Vlastic, Town Administrator Howard, Town Attorney Sloan, Public Works Director Young, Asst. Town Administrator McDougall, Planning Manager Lambert and Town Clerk Hanlon

ORAL COMMUNICATIONS

Chris Buja said the Traffic Committee was looking at traffic along Westridge, Cervantes, and Mapache due to a series of accidents and would be making a recommendation to the Council shortly.

Bill Lane, Westridge Dr., said *The Almanac* ran an editorial about the Town and the things that this community had accomplished. Everyone should be very conscious of the fact that the Town was in the backyard of a much more densely populated area. But, the Town had remained a suburban park for the surrounding communities in terms of the activities the Town made possible and the number of children that benefited from the playing fields. The staff and volunteers made it a wonderful town to live in, and it was a wonderful town to be nearby.

(1) Presentation: Community Fire Mapping

Mayor Derwin said the staff, Council, Planning Commission and ASCC had been collectively focusing on this issue since January. Tonight, everyone would learn about and discuss the latest fire hazard maps from Cal Fire and the Town's consultant. The Town had been given an opportunity to comment on these maps, and that was the purpose of this meeting.

Town Planner Mader reviewed his staff report of 4/18/08 on fire hazard mapping. He discussed: 1) mapping by Cal Fire; 2) requirements of the Building Code for areas mapped as very high fire hazard for new buildings; 3) wildland fires at the urban fringe; 4) preliminary mapping presented by Cal Fire to Woodside representatives, Woodside Fire Protection District (WFPD), Stanford and representatives of the Town; 5) State map posted on the internet; 6) WFPD's review of the map and recommendation; 7) opportunity for the Town to comment based on mapping by Ray Moritz; 8) mapping for Safety Element of the General Plan; 9) Mr. Moritz's classification of areas based on State categories; 10) comparison of State mapping and Town mapping; 11) coordination with WFPD and planning staff; 12) responsibilities of the Fire District; 13) options for changing State maps; 14) potential impacts on fire insurance and criteria used by ISO for classifying areas as to fire rating; 15) ISO evaluations of fire departments; and 16) possible options for the Town.

Ray Moritz, fire consultant, said fire hazard was determined through fuel modeling, which looked at the type of fuel and determined how it burned under varying conditions. Those models were done in the 1960s at the US Forest Experiment Station for Fire for the US Forest Service. Cal Fire set those models aside and created 5 vegetation types for all of California. Through mixing of models, they determined how fire might burn in those 5 life forms. Their mapping of the whole State was not sensitive to local vegetation types.

Using overheads, he discussed 1) fire fuels observed in Town; 2) wildland-urban interface; 3) purposes of mapping; 4) assessment of fire hazard; 5) 1-hour and 10-hour fuels; 6) ignition and probability of ignition; 7) values at risk; 8) slope classifications; 9) fire history; 10) Oakland fire; 11) comparison with Cal Fire map; 12) species' characteristics in terms of fire prone/resistance; 13) loading; 14) vertical and horizontal continuity of fuels; 15) fuel transition zones; 16) fuel patterns; 17) aerial photographs and ground checks; 18) fuel types mapped; 19) rate of spread and fire intensity; 20) heat traps associated with homes; 21) surface to volume ratio of fuels; 22) systems used in assessment; 23) Fuel Hazard Map for the Town; 24) rating of 11 dominant fuel types and recommendations to reduce risk; 25) impact of SOD; 26) fire season; 27) winds; 28) vegetation per area of soil and moisture content; 29) importance of roads and vegetation that fronted roads; and 30) defensible space around homes. Responding to Town Planner Mader, he pointed out very high-risk areas in Town, including parts of Portola Valley Ranch, Woodside Highlands, Alpine Hills, Westridge, and the Stanford Wedge. He discussed fuel management at Blue Oaks and work done along Los Trancos Road.

Denise Enea, Fire Marshal, said Mr. Moritz had done a great job with the maps. The District was happy with the fuel modeling he came up with. Fuel modeling was not a total fire hazard risk map and didn't take into consideration things like access, fire hydrants and density. Those were things the Town and the Fire District would have to continue to work on. Fire ignition was an important element, and the Fire District would like to continue educating residents about that. A small 1-3 acre fire could rekindle and turn into open hills fires like the Oakland Fire. In today's numbers, that could be anywhere from 6-7 billion in damage and fire fighting costs. She urged the Town to incorporate fire resistant elements and materials into the Design Guidelines. That was what Building Code Chapter 7A was about. It was a good start, and the State was mandating it for a reason. The Town was promoting green and sustainable buildings. She asked if a house could qualify as sustainable if it could not survive a wildfire. That was something for the Town and residents to think about. Additionally, while some people considered their properties as peaceful, serene and beautifully wooded, if it was labeled very high fire risk, firefighters might consider it an impossible place to fight a fire safely.

Armando Muela, Fire Chief, said when the District was laid out, it was laid out with three stations. The areas they served were large, and it would probably take help from outside agencies to fight a fire. That weighed into the whole picture. The District's mapping included water availability, mutual aid, automatic aid, etc. The Fire District had been championing fuel mitigation for years. Annual inspections were available to residents. The first priority was to remove the residents. Once people were safe, the firefighting would start. Cal Fire was close and could do airdrops. In the Angora Fire at Tahoe, no one wanted to do any fuel modification, and now the citizenry was complaining to the government agencies that they didn't really understand the risk. He encouraged citizens to be involved with CERPP and be connected to what the Fire District and Town were trying to promote.

Mr. Vlasic said Chapter 7A of the Building Code applied to all State regulated areas but only to the very high fire designated areas within local jurisdictions. Chapter 7A applied only to new construction—not additions, major remodels, or ancillary buildings. For complete teardowns, it would apply. The new standards addressed roofing, exterior walls, decking, floors, underfloors and underfloor protection. There were specific requirements that were mandated in each of these areas. Cal Fire put together a list of materials that complied; the list was being expanded regularly. In a number of areas in Chapter 7A, the testing standards to verify that something met the requirements were not there. These things would come together in time. Right now, the burden would be on the local building official to apply the standards and make judgments on them. Cal Fire was not certifying anything at this point. Wood was not prohibited if it could meet the testing standards that were called for. The same applied to glass. The one area that had not had a lot of testing or options was crawl space vents and the control of embers. Architects were considering options. The Building Official indicated that given the custom homes in Town and the general approaches that had been taken, it was difficult to determine what the cost implications would be.

Referring to the “Draft Fire Hazard Severity Zones in LRA map,” Councilmember Merk said there were areas marked “LRA unzoned.” He questioned why any areas in Town were classified as unzoned. Mr. Moritz said the Cal Fire modeler indicated that they had gaps in their data. Responding to Councilmember Merk, he said the Fuel Hazard Map was quite similar to the Cal Fire map. In certain areas, Cal Fire used one density of pixilation. In residential areas, they used a more fine analysis. There were some significant similarities except for fuel types. The best he could do was to use Cal Fire’s larger categories but with his ratings. They used 5 life forms, and he used 11 fuel models. Those fuel models that seemed to fit into one of Cal Fire’s life form categories were remapped using their criteria but applying his assessment of how a fire would behave in that particular model.

Councilmember Driscoll said a lot of the residents present would like to know how this affected their property. Maps being overlaid on aerial photos made it almost impossible to read the colors and the shapes. He recommended a property line layer be put in and take the aerial photo out from behind it. Additionally, he thought the people were more interested in whether they were in the very high or high category as opposed to the category of vegetation. He thought three categories would be sufficient. Mr. Moritz said it was broken down into those vegetation types in order to tell people how to manage what was on a particular property.

Commissioner Zaffaroni said more distinct coloration would be helpful to interpreting the map. She asked how the green building standards and goals of the Town related to the Chapter 7A standards. Ms. Enea said a lot of the materials that were heat resistant were green products. “Ignition resistant” usually meant non-wood, and those products were usually made of a recycled or synthetic material. The County of San Mateo was also doing sustainable green building. They incorporated ignition-resistant construction into their green building code. Mr. Vlastic added that one of the green projects in Town met all of the requirements of Chapter 7A. For most new houses in Town, the amount of clearing that went on during the initial stages of the project was probably more than required by Chapter 7A. Commissioner Zaffaroni asked if there was something the Town could do to mitigate fire hazards so that some of the homes in the very high hazard category could be brought down to a lesser category. Responding, Town Planner Mader said there was a provision in the law that seemed to read that a local jurisdiction could, on its own, decide that an area changed from one category to another. That did not apparently change the State’s map. Also, the jurisdiction could increase areas and ask the State to increase areas on their maps as well. More certainty on that was needed.

Commissioner Zaffaroni said most people in Town would probably welcome some of the Chapter 7A provisions. Everyone wanted to do what was best for their property—especially since it only applied to new construction. She thought there would be a concern about maps going out that were on the web and accessible to other entities. She would like to do something pro-active, but obviously this was late in the game. People would rather have the map that went out be a map that reflected whatever the Town could do to mitigate the fire hazards so that areas could be drawn down into more acceptable categories if possible. Town Planner Mader said given the parameters the State was using (e.g., ignition from vegetation), it would be very difficult for the Town in any reasonable period of time to undertake a program that would significantly change the map.

Commissioner Gilbert asked if any local communities were strongly encouraging or requiring homeowners to put in fire resistant materials in remodels for things like decks and windows. Ms. Enea said there were a lot of San Mateo County communities that had ordinances for remodels. The Town and Woodside didn’t have a threshold number for when a remodel became a new construction. The County used 50%. There were things that the Town could do above and beyond Chapter 7A such as prohibiting wood shake roofs. That was why insurance companies cancelled people’s policies. Wood shake roofs were still being used, but it was not something the Fire District recommended.

Responding to Commissioner Gilbert, Mr. Moritz said he provided written prescriptions for mitigations for

each fuel type, and they were specifically tailored to that fuel type. There were also pictures of the fuel types so that people could identify what they had on their property. There was no interest in people clear-cutting their property. Most of it was trimming. The very things tree services did to clean up trees and shrubs to make them more beautiful were the exact same things you would do to make it more fire resistant.

Responding to Commissioner McKitterick, Town Planner Mader said he understood that the Town could classify areas for its own administrative purposes. That did not mean that the State would change its map. Commissioner McKitterick said the State map might be relied on by the State for future laws that the Town might not have control over as well as private parties such as insurers. From watching the ASCC discuss this issue, he was led to believe that there wasn't complete clarity in the architectural world about what kinds of construction met some of the requirements of Chapter 7A. Responding, Mr. Vlasic said there were enough things out there that the Building Inspector felt he could work from in making decisions and working with architects to address Chapter 7A. The list of things that the State felt met the requirements was continuously growing. Responding to Commissioner McKitterick, he said the State put the map and Chapter 7A out and then left it to the local building official to make the judgments. The State didn't certify any of the standards you had to build to; it was up to the local official.

Responding to Mayor Derwin, Town Planner Mader said it was difficult to know the impacts the maps would have on insurance. All the insurance agencies supposedly went to a common source of information. On the other hand, it seemed perfectly logical that when these maps were out, they would be looked at by the fire insurance companies. The Town would need to get an expert in fire insurance to help answer the question. Mr. Moritz discussed varying levels of expertise with insurance company inspectors. Even though a property had good defensible space, stucco walls, very low fuel loading and good irrigation, they might not renew the insurance if there was a 30% slope. Commissioner McKitterick said he worked in the insurance industry for 16 years, and he concurred. Sometimes the decisions were completely arbitrary.

Mayor Derwin asked for public comment.

Tony Bonora, Grove Dr., said during the refinancing process, he had been asked to produce geologic maps for the insurers, and they looked at the information very closely. You needed to get signed statements that verified that you were in one particular zone versus another or your insurance might be void. Additionally, there was a link between the lenders and insurers. If it didn't pass muster, the mortgage lender would not consummate the mortgage. He thought there should be concern about the implications of these maps.

Frank Atkinson, the Ranch, asked if changes in the maps re-oriented priorities of the Fire Dept. or had any influence on the internal structure of the Fire Dept. Mr. Muela said the lens for the map was narrow compared to what the fire department looked at. The Fire Dept. looked at resource allocation, access, egress, sprinklers, water systems, etc. If there were major fires going on in southern California, resources were drawn down from the State. Changes in the maps didn't influence the way the Fire Dept. operated. The District had been asked by the State to look at and comment on the map because local personnel were aware of the area. The Fire District championed better construction, better defensible spaces, preparedness, etc. The maps didn't do anything other than emphasize that more needed to be done in certain areas. He felt the purpose of the map was to have local agencies understand the risks they were dealing with. The Fire District wanted to partner with the Town to remove some of the hazards that were identified. It was incremental and would take a long time. Ms. Enea added that after the Oakland hills fire, the Bates bill passed. The Bates bill specified how fires were mapped to potentially help communities protect themselves against a fire similar to the Oakland hills fire. That was done in 1992, and they hadn't mapped it since; it was well overdue. This was round two of the mapping. When the Fire District received the draft map, it was not accurate, and the Fire District made recommendations to the State. The Town hired Mr. Moritz who had done a great job that was very specific in the fuel model. The Fire District's job was to give the State something that was as accurate as possible, and right now that was Mr. Moritz's map. She hoped that the Council would agree that Mr. Moritz's map was the most accurate.

Bill Welling, Shoshone, said the maps were done using vegetation. One landowner could have his property well maintained, and the next not maintained. That created a hazard for all those around. He asked what the ability was to have properties cleaned up in the high-risk areas. Ms. Enea said the intent of Chapter 7A was not for individual homes. The intent was to save the entire community from fires. If the neighbors did not do the work that they were supposed to do in terms of defensible space and you did, you were in just as much danger as if you didn't do the work. This Fire District now had a 30' clearing ordinance; you had to maintain 30' around the perimeter of your property as well. "Clear" was well defined. That was one step, and the Fire District would be out in force to enforce that to the best of its ability. The Fire District enforced the Fire Code, and the Town enforced the Building Code.

Bernie Bayuk, Paloma, said in many of the areas in Portola Valley, if there was a fire, you couldn't get out. He asked if there was a footpath map so residents could walk out. Councilmember Merk said the Town had maps of all the Town trails and roads, which were available at Town hall. Ms. Howard said where the gates were was also indicated. Mr. Moritz added that most evacuation plans he had been involved with were as directed by the police or fire emergency responders who had radio contact. They generally did not want people to head out on their own not knowing where the fire was, how the wind was carrying it, etc.

Marilyn Walter said the Fire District came to her property and showed her exactly what she needed to do to clean up 100' below the structure of her house. That was done, and the Fire District came back a second time and approved it with one more suggestion. They were very, very helpful.

Responding to Ken Hagel, the Ranch, Mr. Moritz said the fact that most of the Ranch was mowed was taken into consideration. A lot of good work was being done at the Ranch. There was quite a bit of manzanita in the Ranch. It was beautiful and drought hardy but tended to have very low internal moisture content. It should be kept thin and away from hydrants. The Fire District was interested in materials that would resist fire igniting the home. Mr. Hagel said this all seemed like a work in progress. At some point, the requirements of 7A would be extended in a similar manner that earthquake requirements were. Even after the maps came out, the extent to which this would impact areas like the Ranch would change over time. It behooved Ranch residents to keep engaged in this process. Mr. Moritz noted that SOD alone would cause changes. There would be increased fire hazard and a decline as the forest thinned out. A live oak could drop to very low moisture content and become quite a bit more flammable at the end of the fire season.

Virginia Bacon, Golden Oak, said Mr. Moritz's map described fuel types and labeled them very high, moderate, etc. She did not think the labels were beneficial. It would be much better to have the map say what the fuel type was and the risk rather than use the words "very high." As third parties looked at that, they could very easily misunderstand it, and it could be a reason for a homeowner being denied insurance. She would like to see that eliminated from the map and just talk about the different fuel types. Responding, Mr. Moritz said in many cases that was done. He had been hired to look at fuel hazards and to rate them in a manner similar to Cal Fire's rating of moderate, high and very high. He also put in a low category because it was appropriate to do so. Ms. Bacon recommended to Council that the terms in parenthesis on the map be eliminated and just the fuel types be described. Secondly, as a homeowner, she had always been concerned about fire. She had made mistakes in planting but had done a lot to improve things. Chapter 7A was very important and should not be just for new construction. The Town should develop some kind of a handout for people so they could understand what might make it more fire safe if they were making a minor change.

Steve Halprin, the Ranch, said probably 95% of the property in Portola Valley was subject to remodeling. While he was all in favor of improving the building codes and remodeling codes to make the houses safer, he was concerned about the impacts of these maps. He encouraged the Council to do everything possible to reduce the impact of the map on the insurance industry. He changed carriers last year and was subjected to the existing map and discrimination based on slope. One carrier refused to give him a quote

because of the perceived risk of his property. This would affect everyone's cost of insurance and ability to get insurance. He wanted the Town to do whatever it could to keep the map as benign as possible. He applauded the Fire District and the Ranch for everything they were doing as well as the building department and Council in making the standards better. But, he encouraged the Council to help with the maps.

Pierre Fischer, Valley Oak, thanked the Mayor for sending out the letter letting residents know about this. He also thanked the planning department for making all this information available last Friday. For the last five years, he had been responsible for the mowing program at the Ranch. He strongly objected to the term "accurate" when discussing the map presented. He described areas of mowed grass at the Ranch that the map indicated as very high fire hazard and other areas rated as moderate. He did not think the terms "negotiate" and "scientifically accurate" worked well together. He thought the map could be called "politically accurate." When he thought of a very high level hazard, he thought of Malibu canyons and the repeated history of fire—not of the Ranch. Weeks of temperatures over 100 degrees and fierce Santa Ana winds didn't compare with the Ranch. He questioned what the motivation was to raise all the levels from moderate to high and very high. No fires would be prevented. The only impact would be to increase insurance rates for the homeowners and depress the resale value. He advocated that the Council go back to the State map. There were 30-40 properties at the Ranch. One part was in one zone and another part was in another zone. He had a hard time dealing with that.

David Rock, the Ranch, said he had been reviewed by two insurance carriers last year. While individual inspectors might vary in expertise, they were not the underwriters. The insurance companies were aware of these maps. It was disingenuous to make a statement that the Town had no idea what the insurance companies would do. The reality was that there was a direct impact on insurability. It was not just a question of rates. He was also bothered by the process that was followed. He doubted that Mr. Moritz drove every street in Town or at the Ranch. The map didn't reflect the meadow behind his property that was always mowed. A consultant was hired who worked hand in hand with the Fire District. Mapping was done based on geographical information, science studies and aerial maps. It was not done on a street-by-street basis. If the process was flawed, the result was flawed. He thought the Council should take a good hard look at that.

Dudley Carlson, Coalmine View, said she hoped that as the Council looked at insurance issues and the building code side of this, the Council would also think hard about the overall landscape of the Town and how the Town could encourage the community to look at our safety in relation to the landscape. She thanked the Town for making the presentation available to the public. It was an enormously valuable tutorial for those who wanted to do what they could to make their properties more defensible and more fire safe. But, the Town needed to use every means it could to encourage homeowners to take advantage of what the Fire District offered. The CERPP program did an enormous amount of valuable teaching in this area. If a big fire came, the wind would blow the embers around and everyone would be subject to each other's landscaping. The Town could do a lot by encouraging fire safe planting awareness and, at the same time, maintain the wildland landscape that people came here to live in.

Responding to Mayor Derwin, Town Planner Mader reviewed the options before the Council shown in the staff report. He also thought a valid next step would be to provide a map that showed streets and property lines so people knew where they were. Sooner or later, the Council would need to decide how to respond to the State. He added that Ms. Sloan was looking at the degree of flexibility the Town had on how the areas were treated—even if they were designated by the State as "very high." The State intended to issue its maps in spring. There was an ordinance proposed in which the Town would adopt the map, which would then be subject to Chapter 7A.

Ms. Sloan clarified that the State draft map showed no very high fire hazards in the Town. Unbeknownst to Town staff, WFPD wrote in and said there were at least 5 very high fire hazard areas. Right now, the State was sitting with their map and WFPD's map. The reason the Town planning staff jumped in was that they

felt if nothing was done, the State would listen to the WFPD, which was only one local agency that needed to address this issue. Since they had already done that, the Town Planner suggested using Mr. Moritz, who was already under contract with the Town to work on the Safety Element, to look in more detail at the fire areas and work with WFPD. Now, the District and Mr. Moritz agreed with each other. The agreement they reached reduced the amount of very high hazard areas that the District wrote in. There were three maps. The first map that found no very high areas would probably not be adopted by the State because WFPD made comments. Staff felt the choices were to do nothing, in which case the State would adopt WFPD's recommendation; or, join the party.

Town Planner Mader said the difference between Mr. Moritz's map and WFPD's map was to reduce the fire hazard in the developed part of the Town. It increased the fire hazard on the western hillsides where there wasn't development. It decreased the high fire hazard area proposed by the District in developed areas.

Responding to Councilmember Wengert, Ms. Sloan confirmed that staff felt it was no longer likely that the map that showed no very high fire hazard zones for Portola Valley would be adopted by the State because of the events that had occurred prior to this meeting. The map that was sent to the State reflected WFPD's comments. Mr. Muela said citizenry had also commented on the maps and those letters were also with the State. The State was using WFPD only as a tool. If the Town submitted another map, that would also be considered by the State. It was not exclusively the comments of the WFPD. Ms. Enea confirmed that there were letters on record from homeowners in the unincorporated areas regarding parcels in Portola Valley that requested the maps be changed. She confirmed for Councilmember Wengert that residents could submit letters as well.

Responding to Commissioner McKitterick, Town Planner Mader said there was a presentation by Cal Fire a week ago in San Carlos. It was attended by fire officials and building inspectors. Cal Fire indicated that if a city didn't want a high fire hazard designation, the State wouldn't show it. That needed to be verified. Mr. Moritz agreed it was very confusing at this point. State staff indicated that the State, for statewide planning purposes, had strong support for their own mapping. But, they did bow to local input where local jurisdictions indicated they wanted to raise the level of fire hazard. In this case, the State had mapped Portola Valley virtually as moderate to high fire risk. While they might not welcome Portola Valley saying they wanted to be all moderate, they would be more welcome to Portola Valley saying they wanted to add some very high risk areas. Town Planner Mader noted that there were two categories: 1) State Responsibility Areas (SRAs), including all the unincorporated areas in the State, which all fell under 7A regardless of the classification; and 2) Local Responsibility Areas (LRAs).

Councilmember Merk said whether it was SRA or LRA was irrelevant in terms of people's ability to get insurance. Additionally, he had not seen the map that WFPD sent. Town Planner Mader said the map was on the board and had been printed by the State based on what was submitted by WFPD. Councilmember Merk said it was difficult to compare the maps because one had 11 categories and the other had 5. He asked if the labels such as "very high" could be eliminated and just show the fuel loads in terms of the data Mr. Moritz put together. Those 11 categories could be divided into the same categories the State used and come up with another map that used the State's terminology. The very high fire zones might be absorbed into the high in making the map less pixilated.

Town Planner Mader said Mr. Moritz had taken the 11 categories and combined them as best he could to fit into the 5 categories used by the State. Mr. Moritz confirmed that his 11 had been put into the State's vegetation life form categories. It was simplified from 11 to the 5 life forms under the 4 ratings.

Councilmember Merk said the concern seemed to be in the very high description—not whether the section of the code applied. It was whether or not people could get insurance. Mr. Moritz reiterated that it was informative to tell people that they were living in a high fire hazard zone. To him, the most important thing was the information on how to mitigate what you saw around your house. Councilmember Merk wanted the

areas in the Ranch and Westridge to disappear into the next category down where there were homes and people would be affected by the insurance issues. Mr. Moritz said averaging was fine in mapping. But, as far as telling people what they needed to do with a particular fuel type, averaging was not informative. Councilmember Merk said saying you were in this kind of a fuel area and this is what you needed to do was fine. But, naming that fuel area “very high” was the concern for the residents.

Ms. Sloan said the Public Resources Code required Cal Fire to do maps where those terms were used. There were two issues: 1) the map; and 2) Chapter 7A. Mr. Moritz clarified that he put very high fire hazard zones in the residential or developed areas, and Cal Fire did not. The most important thing was that people had information so that they could match a particular fuel type to what they had and that they had the information on how to mitigate it.

Councilmember Driscoll said the map that the State would publish was a map that you could get insurance or you couldn't. He did not understand why the Town should have higher standards than adjoining towns that didn't take the trouble to hire a fire consultant. That was letting the Town's people be taxed when everyone else wasn't taxing their people. He suggested telling the State the Town would accept their map. Given the risks the Town was subject to, the Town's own maps should be very specific in the General Plan. The Town should seriously think about the building codes and Design Guidelines and get much more specific about what was required—including adopting Chapter 7A for remodels. That first map should be accepted and let the Town do what it needed to do. He did not want the Town to be held to a higher standard than other towns that didn't go to all this trouble. If the State said that was not acceptable, he would be willing to move on to some simplification of the Fuel Hazard Map.

Town Planner Mader said other fire districts within the County had very high fire hazard areas. The feeling of the Fire District was that the mapping for this area did not really express the hazard. Leaving that aside, he completely agreed that the essence of Mr. Moritz's work fit very nicely into the Safety Element of the General Plan where vegetation types could be described. There would be some discussion of severity, but the same terminology did not need to be used. That was the original purpose of Mr. Moritz's work. Councilmember Driscoll said things could be stiffened up in the Design Guidelines and buildings codes in accordance with what WFPD wanted. But, this map was really about insurance, and he did not want to make it more difficult for residents insurance-wise while the Town was taking the lead with buildings codes, etc. He wanted to separate the issue of insurance from mitigation. He would like to be the best town in the world in terms of how the residents were educated on mitigation of fire and minimizing risk.

After discussion, Mr. Moritz suggested telling the State what the Town wanted to do and ask the State Fire Marshal what they planned to do. Another question the Town might want to ask was whether those areas that were labeled high would be looked at by insurance companies. The State showed predominantly moderate conditions throughout Portola Valley.

Councilmember Wengert said she was incredibly uncomfortable with the intended use of the map. But she was very comfortable with WFPD's intended use in trying to work with the Town to help individual homeowners mitigate their fire risk. If it was a political issue that would have only a negative impact on residents relative to the very important issue of insurability, the Town should be pro-active in trying to influence the State mapping process to limit the severity of all the ratings. She wanted to work very aggressively with the State and minimize the ratings that the Town would potentially face. If the Town was unsuccessful and the State said “no” and wanted to accept the WFPD map, the discussion would need to be reopened. If that happened, she would also want to get better information on the impact on insurance.

Mr. Moritz said Cal Fire used the maps for fire planning themselves and allocation of resources. If the Town convinced the State that the Town was all moderate or high, Cal Fire would not allocate more resources to an area that was moderate. It was a tough balance.

Responding to Councilmember Wengert, Mr. Muela said WFPD took the position that it had because of what was known about the risk—not with the purpose of having people’s insurance cancelled or causing hardships for the homeowners. It would be very difficult for WFPD to champion the earlier map. Responding to a resident, he said the District took the risk that the towns provided. If the Town wanted to build high-rises, the District would still have to provide the service no matter what. It was about the capacity and reliability for the resources. If the engines were out on medical calls and there was a fire, the neighboring agencies would be brought in.

Councilmember Toben said there was still a question about how insurance companies came to their decisions. Staff indicated that the insurance companies used the ISO and very simplistic criteria such as distance to fire stations/hydrants, etc. One speaker indicated that a quote was denied based on the various characteristics of the property, and that decision was made prior to the publication of the maps. He wanted some sense of what the consequence would be of taking the expert’s recommendation and reporting it to the State. The assumption being made was that it would be a very negative consequence. The stance the Council took with respect to worries about insurability was not an accurate reflection of the data on the ground.

Councilmember Merk said the question was where do the insurance companies get their information and how do they apply it. There was probably no simple, one answer to that. He resonated with WFPD wanting to use their map or the new combined map. In terms of accuracy, he felt it was always better that maps be more accurate than less accurate. The question was whether there was a connection between insurance being denied and these maps. Two years ago, he was cancelled, and his agent said someone drove around and looked at the properties and sent in a report. When he received a copy of the report, it described another property. It was straightened out, and he had insurance. If the map had to do with the District’s ability to respond and the State’s ability to stage equipment around the Town, it needed to be as accurate as possible. He just did not know if peoples’ insurance being cancelled had anything to do with the maps.

Commissioner McKitterick said there were two different questions. One was fire safety, which the Town could control at a local level by using whatever methods it wanted. The other was the State map. The Town should do whatever it could to get the State to adopt its original map. He had worked in house for an insurance company doing property losses—including catastrophic fire losses—as a law clerk and then as a lawyer. You could not tell what any particular insurance company would do or use to underwrite their fire losses at any given time. Additionally, it could change once the State adopted these maps even if you could find out what was going on with insurance companies this year. Another factor that caused people to be denied was if an insurance company changed the zoning that they used for rating fire risks. They might not cancel everyone, but if they had 20 homeowners with homeowner’s insurance policies in that area, they might choose not to write any more. Or, they might cancel half of them because they were over insured. He would not be surprised if the State map was ultimately used as a tool by some if not all insurance companies to try to rate fire risks. He was all for fire safety and felt the Town should use the data it had and other tools to try to decrease fire risk. Other than the allocation of resources issue, the fire map at the State level did not make the Town safer; but, it might increase insurance risk.

Commissioner Gilbert said it would be helpful to clarify whether a locality could request not to have any rating and deal with it at the local level. While that was being done, it would be good to try to refine Mr. Moritz’s map. She would like to see the map that reduced the levels down to the same levels the State had overlaid with property lines and street names. Residents who had properties that were at issue could then be given a chance to make some comments. While that map might not be submitted to the State, it would be very useful for the Town’s purposes.

Commissioner Zaffaroni said she would like to see the best possible outcome for both the District and the Town. Her understanding was that the District wanted this map to reflect a higher fire risk level in certain

areas because it wanted to have Chapter 7A apply. That made sense because that would mitigate the risk in those particular areas as homes underwent rebuilding. The Town could use Mr. Moritz's map, which had been done for the Safety Element. The Safety Element would be used to implement ordinance changes. The Town could commit to making those ordinance changes based on that map and fast track it. If the community understood what the Town was trying to do with that particular change, then the Town could do what it could to maintain the existing State map--with the understanding that everything possible would be done to mitigate risk. That was the most responsible things for the Town to do.

Councilmember Driscoll moved to approve option 1 in the staff report of 4/18/08. Councilmember Merk seconded, and the motion carried 5-0.

CONSENT AGENDA

By motion of Councilmember Driscoll, seconded by Councilmember Wengert, the Items listed below were approved with the following roll call vote:

Ayes: Councilmembers Driscoll, Merk, Toben and Wengert, and Mayor Derwin
Noes: None

- (2) Minutes of the Town Council Meeting of April 9, 2008, with Councilmember Toben abstaining.
- (3) Warrant List of 4/23/08 in the Amount of \$423,047.73, with Councilmember Merk abstaining.

REGULAR AGENDA

- (4) Revised Town Memorials and Honorary Recognitions Policy (Removed from Consent Agenda)

Councilmember Toben said some Parks and Rec Committee members had some resistance about the 2-year waiting period for memorials. A case in mind was Andy Garcia who died on 9-11. In the immediate aftermath of a tragedy, there tended to be a spirit of generosity that would finance donations for planting of trees, etc. Additionally, the policy was called Town Memorials and Honorary Recognitions. It was not explicitly stated that the Town did not provide for honorary recognitions for living residents.

With respect to the 2-year waiting period, Councilmember Merk said the point had been made that with a waiting period, a memorial might be less likely and there would not be a proliferation of memorials. Councilmember Wengert said she supported 2-years.

Councilmember Wengert said the policy didn't specify whether the memorial or honorary recognition had to be for residents only. Mayor Derwin said there might be situations where it would be appropriate for someone in Los Trancos Woods. Ms. Howard said it also might involve a long-term resident that moved. Councilmember Merk said it should commemorate any individual who had made outstanding contributions to the Town.

After discussion, Councilmember Toben moved to adopt the policy and add a final sentence indicating, "The Town does not provide for the placement of honorary recognitions on Town property or easements for living individuals." Councilmember Driscoll seconded, and the motion carried 5-0.

- (5) Notice of Completion of Phase 1 of Town Center Project

Mr. Young reviewed the staff report of 4/23/08 on the acceptance of the Town Center project – phase 1.

Councilmember Merk said the staff report indicated that the maintenance shed was "occupied" by

maintenance staff in July 2007. The maintenance shed was not designed or built to be occupied and was too close to the fault to be occupied. Councilmember Driscoll suggested "utilized."

Councilmember Driscoll moved approval of Resolution No. 2391-2008 to Accept the Completed Town Center Project Phase 1 Project #2006-PW03 and Authorizing Final Payment Concerning Such Work, and Directing Town Clerk to File a Notice of Completion. Councilmember Toben seconded, and the motion carried 5-0. Ms. Howard noted that the phase 1 work came in under budget by \$10,939.

(6) Amendment to Agreement with El Camino Paving

Mr. Young reviewed the staff report of 4/23/08 on the phase 2 bid package contract change order for El Camino Paving for additional work not included in the original scope.

Regarding additional scope #2 on moving and spreading dirt stockpiles on the lots next door at Spring Down, Councilmember Merk said he had not seen a map and did not know how much dirt was involved. Responding, Mr. Young said several months ago the Town talked to the owners of Spring Down. They needed to vacate that land, turn it over to the Town and restore it back to a natural condition. The rings had to be pulled out. Mr. Goodstein said he couldn't afford to pull out 12" thick base rock. He hired an engineer and the recommendation was to fill the whole top and hydro seed everything with native grasses. The base rock would not be taken out. There were also a number of unnatural foundations and posts everywhere. They were going to do this work anyway and would have to get the fill from somewhere. Ms. Lambert confirmed that the proposed solution had gone through the ASCC and Planning Commission during review of the site development permit. The engineer thought that by leaving the base rock and putting the dirt on top, it would be a more uniform type base. Mr. Young added that the Town had the dirt, and the Goodsteins needed it.

Mayor Derwin moved approval of Resolution 2392-2008 Approving and Authorizing the Town Administrator to Execute a Change not to Exceed \$15,000 to El Camino Grading, Inc. Councilmember Merk seconded, and the motion carried 5-0.

(7) State of CA Integrated Waste Management Board Program Grant Application for Rubberized Asphalt Concrete Chip Seal Grant

Ms. McDougall reviewed the staff report of 4/23/08 on the grant application for use of rubberized asphalt concrete chip seal. She noted that the grant was due May 7, 2008. Mr. Young said this grant covered two items. The State wanted the applicants to have a huge percentage of tonnage before the grant would be awarded. Last year, he asked if the grant could be used for chip seal. This year they came up with a product that could be used, which was what this grant application was for. The Town met the criteria for a grant for this product. It was a much better product, remained black longer and was quieter because of the rubber. Right now, the material was fairly expensive because special equipment was needed to mix in the rubber at the plant. If it caught on and every city used it, the price would come down. Until then, these grants were available to encourage local municipalities to bid for rubber. Responding to Councilmember Driscoll, he said the goal was to re-cycle tires. Councilmember Driscoll expressed concern about unknown long term durability.

Councilmember Merk moved approval of Resolution 2393-2008 Authorizing Application Submittal for Rubberized Asphalt Concrete Chip Seal Grant. Councilmember Wengert seconded, and the motion carried 5-0.

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(8) Ad-hoc Basement Committee Report

Councilmember Wengert reviewed her memo of 4/18/08 on the recommendations of the ad-hoc Basement Committee.

Councilmember Driscoll said he was a little discouraged that the issue had been brought forward when, after further analysis, it was determined to be not that big of a problem. He asked where the impetus for the basement ordinance came from. He felt the Town government's reputation had been hurt by this.

Councilmembers discussed concerns over basements expressed by the ASCC, the amount of time the Planning Commission had worked on the issue, and the Perlman basement and urgency ordinance. Councilmember Wengert said when the Planning Commission took this up, it was not known just how large basements were becoming relative to the size of the homes. When you saw the actual numbers over time, there was not the magnitude of a problem that had been the understanding. Councilmember Driscoll said in the future, the Town should have a hearing first to find out if the citizens thought the issue needed to be addressed. Ms. Howard said staff recommended that before the Town embarked on any major planning project, it would be brought to the Council. As a result of the budget process when planning budgets were approved, work was started and went from year to year. Soon there was a huge ordinance in front of the Council and a lot of money had been spent. Councilmember Driscoll agreed a scoping hearing would be appropriate before work was done.

Bill Lane discussed two basements proposed in Town that were problematic. He felt it was a dicey subject. He agreed the Council needed to keep its finger on the pulse of architects and homeowners who were trying to skin the cat on basements. He was glad the Town had spent some time researching it.

Referring to recommendation #3, Councilmember Merk said he was concerned about using one community volunteer to develop basement guidelines to assist the ASCC. Responding to Councilmember Wengert, Ms. Lambert said she felt John Richards would be willing to help. Staff would also be assisting.

Responding to Mayor Derwin, Councilmember Wengert said basements would go into the whole discussion coming out of the green initiatives. Councilmember Toben noted that BIG did not address basements. This would have to be some sort of add on. It would certainly have to be taken up by the Planning Commission as part of a package. He was queasy about this approach and hoped it worked out. Councilmember Wengert said once the guidelines were developed and went through the ASCC, Planning Commission and Council, it could move into the green committee discussions. Councilmember Toben said the beauty of BIG and the GreenPoint checklist was that it already existed. It was a simple matter to adopt it. Adding basements into the mix could add complexities, and there was already community sensitivity on this issue. Other concerns such as hauling out basement fill needed to be considered in the analysis. He was also concerned about the timeline. Councilmember Wengert said a proposed timeline had not been developed, but Clay Baker was already working on some ideas.

Councilmember Merk said Ms. Enea had questioned whether a house that burned down was sustainable. Perhaps, this was the time to think about all these other factors in terms of design and bring them into the discussion as well. Councilmember Toben said there was also a question of how expansive the Town wanted to be with its standards. The Town could adopt a simple template or could be more creative, which added complexity and could generate more controversy. Councilmember Merk suggested doing something simple first and then adding other things in.

Councilmember Wengert said she felt the recommended approach for basements would work. Whatever

was developed now would go through the whole public process. It would not be an ordinance based on square footage. What was developed might be independent or be affected by the green work being done now. It could be separate and stay in place as the BIG standards were incorporated into future building codes. She did not think they were necessarily in conflict with one another. If anything, it was an opportunity to understand some of the things that could be done to address the concerns about large basements. Responding to Councilmember Toben, she said she envisioned something that was on a par with the Design Guidelines. Even though the Committee was not in favor of the proposed basement ordinance, people understood that green changes would require everyone to make some accommodation. She felt the guidelines would be more palatable because they wouldn't be based solely on square footage.

Council accepted the report with the addition that John Richards would assist in the drafting of the basement standards.

(9) Community Events Committee Appointment

Referring to the Committee Chair's memo of 4/11/08, Mayor Derwin appointed Al Minor, Elizabeth Ozden and Sally Ann Reiss to the Community Events Committee. By motion and second, Council unanimously concurred.

(10) Change to Open Space Acquisition Advisory Committee Charter

Referring to Gary Nielsen's memo of 4/2/08, Mayor Derwin said the Committee wanted to increase their membership from 5 to 7. Responding to Councilmember Merk, she said she understood there were people ready to serve in the two additional slots. By motion and second, the charter was amended by a vote of 5-0.

(11) Status of Town Center Project

Ms. Howard described work being done on the new Town Hall, library and community hall. Additionally, work had started on the maintenance building. The Conservation Committee had agreed to plant two trees for the playground: a big leaf maple and a redwood. The benches and bleachers were almost complete, and the softball field would be open next weekend for games. Bids were opened today for the last packages. All bid packages received bids, and most received multiple bids. The bids were at or a little above the budget. All the numbers would be available on April 30.

Councilmember Driscoll said Mr. Strain would be making a recommendation to the Council shortly on the tennis court issue. Responding to Councilmember Toben, he discussed the overhang of the oak in the area. Responding to Councilmember Toben, Ms. Howard said the Council indicated that they wanted to have one big ceremony rather than hold an event for the opening of each facility.

Councilmember Driscoll said TBI had nominated the Town's project for an article in a magazine that focused on green/sustainable development. He was also nominated for a personal profile as a community leader that had helped the project happen. TBI was extremely proud of the project and felt it deserved profiling. Councilmember Merk said he was not in favor of any advertising of the Town of Portola Valley. Councilmember Driscoll said he would let them know that the Town understood the educational goals of green building but that the Town was not seeking publicity.

(12) Reports from Commission and Committee Liaisons

(a) Parks and Rec Committee

Councilmember Toben said two Committee members expressed displeasure at the Council's action with respect to the tree at Ford Field. There was interest in the rehabilitation of that facility. If the rehabilitation

went forward within the next budget year, the surface of the field might be revisited. Responding to Councilmember Driscoll, Mayor Derwin confirmed that Mr. Young felt the whole field should be done—including the backstop and dugout. Councilmember Driscoll agreed the backstop needed to be addressed. He was not in favor of moving the field; the backstop could be shifted without moving the field. Ms. Howard noted that the Mayor and Vice Mayor directed staff to agendize the issue of the field renovation for the 5/14/08 meeting.

Councilmember Toben said the Committee approved a recommendation of a memorial for Brad Blocker.

(b) Planning Commission

Councilmember Toben said Ms. Lambert reported that the Goodstein CUP amendment was approved. The Planning Commission lifted the expiration date of the CUP. There was a huge crowd supporting the Goodstein operation. A proposal to establish a commercial winery in Westridge was agendized but was not discussed; Westridge Architectural Supervisory Committee was opposed to the proposal. Bill Lane discussed the good relationship the Town had had with the Westridge committee through the years. He said the CCRs were very clear on commercial activities. Responding to Councilmember Merk, Ms. Lambert said a determination from the homeowners' association was historically sought before the Town processed an application. Ms. Sloan said giving someone a use permit was discretionary and certain findings had to be made. If an applicant came to the Town without the approval of the neighbors or the homeowners association, it was likely that the committee would not look on it very favorably. In this case, the applicant felt the Westridge committee was being irrational and wanted his application processed. The Town had the obligation to process it.

(c) Open Space Acquisition Advisory Committee

Councilmember Toben said the Committee discussed strategy going forward in light of the renewal of the UUT for open space in 2009. Either the Town could send out the message that money was being saved for a big purchase down the road, or a few smaller deals could be made to show activity.

(d) Cable & Undergrounding Committee

Councilmember Driscoll said the Committee didn't know the status of the AT&T LightSpeed program. Ms. Lambert said she also contacted AT&T but received no answer. Councilmember Driscoll said the Committee would like to know how the Solana undergrounding project went.

(e) Emergency Preparedness Committee

Councilmember Merk said the Committee discussed the joint meeting to be held on April 30 and the meeting that would be held at the end of July. They toured the Town's EOC and spoke with the architect about the lack of outlets at the proper level, etc. Additionally, it was reported at the County's Office of Emergency Services Council meeting that the budget was increased by 5%--primarily for HAZMAT. They were still bringing in millions of dollars from Homeland Security. There would be a 2-hour training session in Millbrae on May 27 for city councilmembers from 5-7 p.m. and on May 19 from 6 to 8 p.m.

(f) ASCC

Councilmember Wengert said the ASCC discussed the construction staging/traffic issue. It was suggested that there should be an ordinance to address the problem. They reviewed three projects.

(g) Conservation Committee

Councilmember Wengert said the Committee was pleased that the Town would be doing the construction of the C-1 trail. There was also a question of whether Acterra would be able to follow through on their offer to assist with Sausal Creek planting. The Committee also discussed the tree planting at Town Center, their budget and site development plans.

(h) Website

Councilmember Wengert said progress was being made, and there would be a presentation to the Council on May 14.

(i) Solar Summit

Mayor Derwin said the Solar Summit was well attended by staff and councils from 30-40 cities as well as people in the industry. It was very informative in terms of financing alternatives. Berkeley was a model and would have a protocol to share with other cities.

(j) C-1 Trail

Ms. Sloan said the Court of Appeal in San Jose ruled in favor of the Committee for Green Foothills on their lawsuit against Stanford on the C-1 trail. The Committee for Green Foothills sued the Board of Supervisors of Santa Clara County and Stanford saying that the C-1 trail should not have been approved as the preferred path because no environmental review was done. In the Superior Court, the Board of Supervisors won because they said the statute of limitations for bringing this kind of lawsuit had passed. The Court of Appeal ruled that it was a different statute of limitations. Santa Clara would be doing the environmental review on the trail before Stanford gave the Town any money.

(k) Parks and Rec Committee

Mayor Derwin said she and Erica Hughes went to a workshop in Los Gatos for commissioners of Parks and Rec departments. They discussed the Brown Act and parliamentary procedures, Code of Ethics, etc. She thought the Town should do something like this for all the Committee Chairs.

(l) School District

Mayor Derwin said the District decided to hire a consultant and would be looking for more candidates for principal.

(m) Earthday

Mayor Derwin said she attended a program for Earthday/week in Palo Alto. The speaker was Hunter Lovins, who wrote Natural Capitalism. She also started a school called Presidio School of Management in San Francisco where people got MBAs in sustainability. She said the Town's job advertisement was now in their network.

WRITTEN COMMUNICATIONS

(13) Town Council 4/11/08 Weekly Digest

(a) Request for Banner

Referring to Marilyn Walter's letter of 3/3/08, Ms. Howard confirmed for Councilmember Merk that the Town could not allow banners asking for a "yes" vote on Measure O at Town Center and Ford Field.

(14) Town Council 4/18/08 Weekly Digest

(a) Prescription Drug Disposal Event

Referring to Ms. McDougall's memo of 4/17/08, Ms. Howard said the program coincided with the spring Neighborhood Clean-up Day on April 12 and was appreciated by residents.

(b) Cutting of Trees

Councilmembers discussed the letter from Francisco Ontiveros in Spanish that appeared to discuss trees being destroyed for money. Ms. Lambert said she would follow up.

(c) Municipal Regional Stormwater Permit

Referring to the letter from the Regional Water Quality Control Board dated 4/16/08, Ms. Lambert said the Board acknowledged everyone's concerns about the permit and would be holding further meetings.

(d) Crime Report

Councilmembers discussed the outbreak of auto burglaries during the 1st quarter. Councilmember Toben suggested involving the Police Commissioner. Councilmember Merk pointed out incidents that were not within the Town.

ADJOURNMENT

The meeting adjourned at 11:52 p.m.

Mayor

Town Clerk