



COMMITTEE FOR
GREEN FOOTHILLS

October 18, 2001

Woodside Planning Commission
Woodside Town Hall
Attention: David Rizk, Planning Director
2955 Woodside Road
Woodside, CA 94062

Re: Phillips Brooks School Project Draft Environmental Impact Report

Dear Mr. Rizk,

The Committee for Green Foothills appreciates the opportunity to review the Draft EIR for the above-referenced project.

As you may know, Committee for Green Foothills has a long-standing interest in protecting the scenic open space and rural areas of the Peninsula. Our organization was formed in 1962 in response to the threat posed by the City of Palo Alto's plans to allow sprawling and inappropriate development in the western hills – a city of some 60,000 people between Junipero Serra and Skyline Boulevard. The Committee's first activities were to enlist public support for preserving and protecting the foothills in the midpeninsula, and 38 years later, we are still carrying out that mission. We are especially concerned with protecting the open space greenbelt lands generally west of I-280 in the Woodside-Portola Valley-Los Altos Hills area, and to the south, the lands west of Junipero Serra as well.

We are pleased to see the revisions to the project, which in some cases reduce its impacts. But overall, we remain convinced that the project does not comply with the Town's planning for low-intensity residential uses on this site.

Committee for Green Foothills believes the DEIR is flawed in a number of fundamental ways, the most important being that it tries to justify a project that is simply located on the wrong site. Our review focuses on the DEIR's failure to acknowledge the project's inconsistencies with the Woodside General Plan and other relevant ordinances. We will also discuss the DEIR's inaccurate comparison of the proposed project and the 9 home subdivision alternative, and the DEIR's inadequate consideration of cumulative impacts, particularly the project's potential for stimulating development in this generally rural area.

Inconsistencies with Woodside's General Plan: The General Plan is the guiding constitutional document for shaping development proposals and evaluating their appropriateness for the community. Full consistency with the General Plan is a fundamental requirement of any project. In this case, the project is inconsistent with dozens of key General Plan policies. Consistency with the General Plan is also a key element under CEQA that is required to be analyzed in an EIR. The DEIR for the Phillips Brooks School Project, rather than objectively analyzing the project's consistency with the General Plan, instead turns the General Plan on its head to make its policies appear to fit the project. Further, the DEIR proposes mitigation measures that in some cases are vague, unworkable, or would create new significant impacts that are not analyzed such as the stormwater retention pond and the Fire Management Plan.

We cite below some of the relevant Town General Plan policies, and our conclusions regarding the project's compliance, and/or the DEIR's adequacy in analyzing compliance with those policies. Our comments are not exhaustive; rather we have highlighted some of the more troublesome deficiencies.

Policies for Intensity of Use:

P1: "Property shall be developed with minimum disturbance to the natural terrain..."

The EIR cites the applicant's conceptual grading plan which estimates that 87,410 cubic yards of earth would need to be graded to accommodate the project. This is not "minimum disturbance to the natural terrain".

P3: "Intensity of land use shall decrease as steepness of terrain increases."

The purpose of this policy is to guide the location of more intensive development to level or gentle slopes, and to avoid the hazards associated with development of steep terrain. Contrary to the policy, the project is proposed to be located on a hogback ridge which contains steep slopes (over 35%) on either side dropping down to two intermittent streams. While the project has been revised to avoid some of the steep upper portion of the ridge, many of the deficiencies of the original proposal remain. The location of much of the school campus buildings footprint on the ascending ridge is not consistent with Policy P3.

Policies for Preservation/Conservation of Natural Resources:

P19: "Valuable natural features, such as streams and stream corridors, scenic corridors, meadowlands, ridge tops and hill tops, and significant strands of trees, shall be preserved and protected through imaginative planning, good conservation practices..."

The General Plan identifies this site as an environmentally sensitive area on page 21, #2129: "The area is characterized by steep slopes (20–25% of the site contains slopes in excess of 35%), deeply incised creek corridors and swampy areas, potential external and internal access problems (such as difficulty in crossing creeks and surmounting steep areas), some moderate amount of slope instability, a high degree of visibility from the I-280 scenic corridor, and potential noise problems associated with vehicular traffic along the I-280 route. Land form and plant communities remain in a natural state." Yet according to the DEIR, the project would require the removal of 945 blue oaks and their associated biota, would result in the complete re-grading of the ridge underlying the oak woodland, would require massive cutting and filling for the proposed ball fields and other recreational amenities, would require creation of a stormwater retention pond on the easterly intermittent stream, and would intrude into the Highway 280 scenic corridor. The project would have a profound effect upon the site's unique natural resources, directly conflicting with Policy P19.

Policies for Public and Private Institutions:

P43: "Institutional uses shall be limited to those which provide a non-commercial service or facility for local residents..."

We understand that only 19% of the students (51 out of 268 as of October 16 - personal communication - Joyce Massara) at Phillips Brooks School are from Woodside. The Woodside Elementary School provides an excellent public education for most residents of Woodside. It would appear that the location of the school within Woodside is not justified under Policy P43, as over 80% of the students are non-residents. The proposal in the revised project to allow public use of playing fields and gym facilities is not a firm commitment, and is therefore speculative. Although opening the school playing fields and gym facilities to public use could appear to further satisfy this Policy, in actuality the relative benefits to local residents would likely be minimal, as the majority of participants in the region's youth sports are from outside the Town.

P44: "The intensity of use of an institutional site shall be limited to that which is compatible with adjoining uses and in keeping with the rural character of Woodside, the institution should not generate excessive noise or traffic."

This proposal is on property which is zoned Special Conservation Planning – which is a rural residential zoning district that requires reduced human densities. In 1989, in recognition of the sensitive nature of this area, Woodside downzoned the subject property from SCP-5 (5 acre lot minimum) to SCP-10

(10 acre lot minimum). Thus the Town in 1989 sought to reduce the impacts from development of 18 lots on the property's steep slopes, streams, wetlands, riparian areas, oak woodlands, and other sensitive wildlife habitats. This proposal would greatly intensify the scope of development and human occupancy of the site. An institutional facility that would concentrate 330 people daily (plus extensive use of sports facilities, plus potential additional development on Area B) within this special conservation area, which has special protections due to its sensitive nature, and is surrounded by single family homes, is simply inappropriate and is completely inconsistent with this General Plan policy. A school generates far more noise, traffic, and other public service impacts than would be generated from residential use of the property.

P45: "Institutions shall have access from arterial roads."

The proposal presents a clear and unambiguous violation of this policy. Lawler Ranch Road is a two lane rural cul-de-sac which could serve up to 13 residences, based on the approved Tentative Map for the subject property, plus the potential for future subdivision of the Lawler property. The General Plan would need to be amended to accommodate the project, which would create a dangerous precedent for other institutional or non-residential uses to be located on non-arterial roads. The opinion of the Town Attorney that concludes that Lawler Ranch Road could be deemed "nothing more than a long driveway" is not only ludicrous on its face, but would also leave all non-arterial roads in the Town to similar unsupported and dangerous conclusions. Since 2,375 feet, according to the DEIR, of Lawler Ranch Road is a County public road, by what authority can the Town Attorney reach such a contrary conclusion?

P 47: "Institutional buildings shall be of a size and scale compatible with the rural atmosphere of the community."

The size and scale of the buildings and associated facilities would introduce 12 acres of intensive development, and 44,515 square feet (over an acre) of building floor area on this sensitive site. Size and scale are often used in addition to more quantifiable standards to indicate mass of buildings and their relationship to the area - in this case - the standard is the "rural atmosphere of the community". We believe that the mass of the entire suite of the school buildings does not meet this standard. Please refer to our comments below comparing the project to nine homes.

Conservation Element Policies:

P1: "The natural features of a site proposed for development shall be one of the planning factors determining the scope and magnitude of development."

P3: "Particular attention shall be given to protection of the natural water regimen in the planning, environmental review, and completion of all subdivisions, land development or land alternation projects."

P4: "Conservation of the natural landscape shall be an overriding consideration in the design of any subdivision or land development project, paying particular attention to its protection and the preservation of existing native vegetation."

P5: "Removal of vegetation shall be minimized..."

P8: "Those areas rich in wildlife or of a fragile ecological nature (e.g. areas of rare or endangered species of plants, riparian areas, etc.) shall be avoided in land development..."

According to the DEIR, the project will require the removal of over 945 blue oaks and their associated habitat, will impact the stream on each side of the ridge, will require a large stormwater retention pond that has its own impacts on wetland, stream, riparian, and oak woodland areas, will obviously not minimize removal of vegetation, will bury a large area of meadow supporting an unusual large field of Mules Ears and Purple Needle Grass (see below), will change the site's hydrologic regime, will adversely affect the site's wetland areas in the valley downgradient from the ball fields and proposed buildings, and will drastically alter the natural features of the land. In addition to these direct impacts,

mitigation measures for fire protection will require the removal/trimming of additional oaks; the mowing of understory or grassland vegetation; these impacts have not been adequately addressed.

The DEIR fails to note that the area proposed for the ball fields and the adjacent "Surplus Fill Area" supports an unusually extensive and prominent field of *Wyethia glabra* (Mules Ears) and associated *Nassella pulchra* (Purple Needle Grass). Neither of these are on the species list used for the DEIR, yet the *Wyethia* is a showy display readily visible and enjoyed by motorists on Highway 280 each spring. The DEIR does not discuss the loss of this visual delight.

Of particular concern is the loss of a substantial portion of one of the most important stands of undisturbed blue oak woodlands in the mid-peninsula. Blue oaks (*Quercus douglasii*) appear in this area in almost pure stands, and are notable for density of forest, and for the diversity of species, particularly birds, they support. Elimination of a large intact mature blue oak stand containing over 945 trees is inconsistent with Policy P5. Loss of this habitat cannot be mitigated and should be considered a significant unmitigable impact. Fragmentation of wildlife habitat is a secondary impact from loss of the blue oak woodland. Blue oaks have declined in our area from causes other than development. After the drought of 1976-77, substantial die-off of blue oaks was noted throughout the mid-peninsula. The prominent hill to the west of the intersection of Lawler Ranch Road and Sand Hill Road was one of the notable sites of die-off; the oaks here have not regenerated. The DEIR dismisses loss of this number of trees on the grounds that many of the blue oaks have small diameter trunks. According to Doug McCreary, Natural Resource Specialist with the Integrated Hardwood Range Management Program, blue oaks grow very slowly. On average, trees of 7 inches in diameter are 100 years old. Even if a stand that was cut today regenerated well, it could take several human generations before mature trees were reestablished. The aggressive mowing and clearing requirements of the proposed Fire Management Plan will prevent new young oaks and other woodland species from regenerating naturally, leading to the eventual demise of this special ecosystem. The mowing and clearing will also encourage invasive exotic species such as Star Thistle and Broom to proliferate, further reducing the diversity and extent of the native woodland understory. The project cannot be found to be consistent with these important policies of the Town's Conservation Element of the General Plan.

Comparison of this Project with a Nine Home Subdivision:

The DEIR in Table 16.5 compares the impacts of the proposed project with several alternatives. Several speakers at the initial hearing on the DEIR on October 10 stated that the impacts of the nine unit residential subdivision were, in their opinion, greater than those of the project. We disagree.

Please refer to the following comparisons:

	<u>School Proposal</u>	<u>Nine unit Subdivision</u>
Loss of Open Space	14.2 acres	11.0 acres
Grading	87,410 cby	45,000 cby
Population Density:	340	27-45
Vehicle Trips per Day: 782	86	
Acres of Impervious Surface:	8.4*	6.8

*Note: We have included the acreage of the irrigated ballfields, as these surfaces are nearly saturated due to irrigation, and they react to rainfall in a similar fashion to impervious surfaces. Without the ballfield acreage, the school proposal has slightly less impervious surface, but these surfaces are less dispersed, so would have more localized effects.

The DEIR fails to analyze and evaluate the impacts of the proposed mitigation measure of installing a stormwater retention basin, which would create a set of its own impacts (loss of creek habitat, riparian habitat, wetland habitat, woodland habitat, sudden inundation of area, subsequent seasonal drying up of basin, need to maintain this area as a non-habitat area, so therefore significant loss of habitat could occur as a result.

The more dispersed and less intense nine home subdivision would be more in character with the rural residential nature of the Town, and would also have fewer impacts.

Mitigation Measures that create additional impacts:

The Proposed Fire Management Plan referred to in the DEIR is not incorporated into the document. We have briefly reviewed this plan, and we are alarmed at its sweeping proposals for vegetation management. The impacts of the fire management plan must be analyzed as part of the project, and disclosed to the decision makers and the public. Major mowing of vegetation in the oak woodland, pruning of all trees up to the eight foot height, removing dead vegetation and brush, and other measures will certainly affect a whole range of plant, bird, and animal species that currently inhabit the blue oak woodlands. The new proposed Emergency Vehicle Access and Evacuation Route through the CTETA Stanford lands will create impacts from grading, tree removal, fire management, and erosion, and perhaps others. These impacts need to be quantified and evaluated.

We note that the wildfire that occurred on October 12 was a very real reminder of the hazard of placing a large population of vulnerable people - children - in an area of high fire risk. Only because of the quick action of the County Sheriff who was on Lawler Ranch Road at the time, was a potentially disastrous result averted. Given the extreme hot, dry conditions on October 12, with Santa Ana winds, this fire within a few minutes could have become a conflagration that would have devastated a much larger area.

A fire within one mile of the property that occurred on October 1 that caused a three-alarm response and closed the south bound lanes of Highway 280 also supports the comments made by Ray Moritz, Fire Ecologist, in his comments of January 12, 2000 on the prior DEIR. Mr. Moritz points out that the 1999 DEIR (as does this DEIR) states that the "moderate fire risk" on this site does not adequately reflect the high fire hazard associated with Santa Ana conditions (CDF had rated the Oakland Hills "Tunnel Fire" zone low to moderate fire risk, yet a deadly conflagration occurred there under Santa Ana conditions.

Mr. Moritz goes on to state that the DEIR assumes that the Fire Management Plan can reduce the fire hazard impact to a less than significant level but does not offer any evidence that the fire hazard conditions can be mitigated to a low level of acceptable risk. Indeed, the two fires this October provide a high level of concern that no mitigation can adequately reduce the hazard from fire (and for that matter, other emergencies that would require evacuation of 330 people from the property).

Cumulative Impacts and Growth Inducing Impacts of School Proposal:

We are also concerned that the proposed project will serve as a catalyst for similar intensive uses on the adjacent Stanford lands. Stanford has in the past considered a variety of development proposals on the south west corner of the Sand Hill/Highway 280 intersection, as well as on the CTETA area.

These lands are all under the jurisdiction of San Mateo County. The County General Plan indicates the unincorporated Stanford lands west of 280 as I/OS/FS (Institutional/Open Space/Future Study) and the zoning is R-E/S-11 (Residential Estates District) which allows single family dwellings at a density of one house per one to five acres, and a variety of other uses, including schools, libraries, fire stations, churches, and riding academies.

Contrary to a statement at the October 10, Planning Commission meeting, the Stanford lands in San Mateo County are not subject to a General Use Permit, the GUP is limited to Stanford lands in Santa Clara County only. With such a broad set of uses and the vague "Future Study" designation in the San Mateo County General Plan, there are virtually no planning constraints on these lands.

Furthermore, because these lands are outside the jurisdictional boundary of Woodside, the Town has no planning or decision-making authority over these lands. Stanford would be able to argue that Woodside has allowed an intensive use on the Phillips Brooks School site, and Woodside should not interfere with Stanford's academic or academic support "needs".

The proposed sewer extension, in particular, could foster additional non-residential intensive development. Even if the use of the sewer line were restricted to this property, landowners in other areas of Woodside could convincingly argue that they should be not treated differently from this project. And on adjacent lands owned by Stanford, the University has the financial means and the access to sewer lines on the east side of Highway 280 propose and install similar extensions of sewer service.

Possible future development on the site is not adequately analyzed. Area B on Figure 3.26 indicates a large area of possible limited development. No indication is given of what this future development may be, its intensity of use, kind of use, access, or the nature of "limits". Given the DEIR's insistence that the project is a "low intensity use", we are concerned that without a firm description of what is envisioned in Area B, the total impacts of this project can not be evaluated. Mitigation 4-2 aerily dismisses consideration of any impacts of future development, describing a Limited Development Easement where additional development would be permitted. This is not a mitigation measure, but a vague entitlement that has potentially significant impacts that are not described or analyzed. A full disclosure of future plans for this area is necessary now, in order to evaluate its potential direct and cumulative impacts. Alternatively, in order for this DEIR to stand without addressing future development of Area B, a permanent conservation easement that prohibits future development should be placed on this part of the property.

In conclusion, we hope that the Town of Woodside will agree with us that this is an inappropriate site for this project. The project is only a conditionally permitted use by special use permit within this zoning district – there is no use by right, as are single family dwellings. The Vesting Tentative Map for the 9 unit subdivision makes clear that there are substantial restraints on the size of houses, and the number of permitted outbuildings and such things as tennis courts. Moreover, the close scrutiny that the Woodside Planning Commission gives to each house proposed would further reduce impacts of grading, tree loss, etc.

We would like very much to see the Phillips Brooks School find a suitable site, if it remains their desire to relocate from the La Loma School site, and we will commit to working in whatever way we can to help in that effort.

We would appreciate receiving a copy of the Final EIR, and any notice of further meetings you will be having on this project. Please send notices or correspondence to Committee for Green Foothills, c/o Lennie Roberts, at 3921 East Bayshore Road, Palo Alto, CA 94303.

Thank you again for the opportunity to comment.

<signed>

Lennie Roberts, Legislative Advocate