



COMMITTEE FOR
GREEN FOOTHILLS

May 28, 2003

Santa Clara County Board of Supervisors
70 W. Hedding Street, 10th Floor
San Jose, CA 95110

RE: Stanford University Community Plan Open Space/Field Research Zoning District

Dear Supervisors:

The Committee for Green Foothills appreciates this opportunity to comment on the proposed adoption of ordinances establishing the Open Space/Field Research (OS/F) zoning, rezoning certain Stanford lands to OS/F, and modifying the cluster permit provisions for OS/F lands (File No. 8214-00-00-01Z), Open Space and Field Research (OS/F) Regulations (collectively, the "OS/F Ordinances"). This stage of planning for a critical part of the County may be drawing to a close soon, and we appreciate the hard work of staff and the Planning Commission. However, a few important remaining problem need resolution. Given the importance of the area, and the effort all sides have put into it, we believe it is crucial that these problems not be overlooked in a final rush. The Committee for Green Foothills requests that rather than approve the OS/F Ordinances, the Board directs that the changes listed below be incorporated into the ordinances. We are confident that making these changes would lead to prompt adoption of the revised ordinances.

1. Discretionary Review Should Be Placed With The Planning Commission.

The OS/F Draft Regulations continue to place an inappropriate level of discretionary review with the ASA Committee. This Committee, made up of four County staff planners and chaired on a rotational basis by a member from the Planning Commission, should not decide questions that balance public and private interests. The Planning Commission is a more appropriate level of review for these kinds of discretionary decisions.

To the extent that approval is first done at the ASA level, those decisions should at least be appealable to the Planning Commission and any fees be waived. Any development proposed in areas of medium-high visibility (in addition to the high visibility areas), or in sensitive habitats, should not be placed originally in the hands of the ASA. We support the suggestion that section 2.50.040(C)(2) (making the Planning Commission the approving authority in certain limited situations) should be expanded. If the project applicant provides compelling evidence that compliance with environmental criteria in section 2.50.040(C)(3)(c) is infeasible, the April 3 Staff Report would have allowed the ASA to ignore those environmental protections. If infeasibility is an issue, then project approval should come at the Planning Commission level. Similarly, the Planning Commission should do the original review and approval when the Planning Office determines that a project component may impair biological resources (whether "special" or otherwise).

2. Viewshed Protections Should Be Strengthened.

COMMITTEE FOR
GREEN FOOTHILLS

3921 E. Bayshore Road
Palo Alto, CA 94303

650.968.7243 PHONE
650.962.8234 FAX

info@GreenFoothills.org
www.GreenFoothills.org

We applaud staff's innovative work in identifying important viewsheds through its GIS Viewshed Analysis. However, despite having done the vast majority of the needed work, several flaws prevent the analysis from accomplishing its objective of identifying the viewsheds threatened by potential development. These flaws can be easily corrected.

Anticipating viewshed impacts to recreational trail users. The visual and recreational impacts to trail users from inappropriate, high visibility development will be even more significant than the impacts will be to motorists driving by, yet potential trail impacts are not addressed in the viewshed analysis. We support Stanford Open Space Alliance's ("SOSA") call for including the following language in the revised zoning:

When the location of the C-1 and S-1 trails on Stanford lands are determined, the GIS Viewshed Analysis shall be promptly amended to add the visual impact from these trails, including the added element of notable trail lookouts.

Measuring cumulative viewshed impacts. The analysis of potential viewshed impacts fails to account for the problem that impacts to certain viewsheds are visible from more than one road and trail corridor and therefore have a stronger negative effect on the environment. To account for this, the viewshed analysis should account for aggregated effects. For example, an area that is rated medium visibility from not just one corridor but multiple corridors should be "bumped up" in priority rating to the medium-high category.

Page Mill/Junipero Serra intersection area. While this particular area is at low elevation, thousands of motorists and many recreationalists pass through (and wait) in the area. Because the exposure is close-up, lasts a long time, and involves so many people, it should be considered a high visibility area. The cumulative viewshed concept discussed above would particularly help in protecting this gateway area to rural views.

3. Habitat Protection Should Be Given Equivalent Importance.

Planning staff should have followed the Planning Commission's suggestion that wildlife habitat be studied and rated in a manner similar to viewsheds. Failing that, the OS/F zoning should at least demonstrate that habitat protection does not rate below other land uses in priority terms. The April 3, 2003 Planning Commission Hearing Staff Report stated that Stanford Community Plan policies SCP-LU23, 24, 26-29, and i(4) provide uses that could potentially take precedent over any "habitat rating" that staff might propose. Staff Report at 4-5. These policies never say that land uses take precedent over environmental protection. LU23, for example, describes OS/F lands as important "for their environmental resources" and as a resource for "activities dependent on the undeveloped foothill environment." The Staff Report cites LU25 as saying OS/F lands do not contain "special biological resources" (Staff Report at 5), but even that statement does not mean that OS/F lands have no environmental value. "Important" biological resources need not be "special" or "unique" while still having conservation value. In any event, the biological value of the land is an objective quality that is not changed by LU25's vague description, and nothing suggests that if LU25's description is wrong, it should still outweigh LU23's emphasis on protecting environmental qualities.

Given the need to protect the environment, we endorse SOSA's proposed change to zoning amendment language:

As official government-adopted studies of biological resources (flora and fauna) are completed, such studies shall be an important consideration in all land use approvals and actions.

We further propose that the zoning language clarify that projects proposed after adoption of the Stanford Sustainability Study must be consistent with all foothill conditions established in the study. The need to protect the environment further demonstrates that project approval should occur at the Planning Commission level, as discussed below.

4. Zoning Should Prohibit Commercial Antennas In The OS/F District.

The OS/F proposed regulations allow commercial antennas to be placed in the foothills. It is not consistent with the intent of the Community Plan to allow commercial-scale antennas. The April 3 Staff Report states the antennas could be viewed as "utility infrastructure" allowed by the Community Plan, but the Community Plan actually allows only "utility infrastructure in keeping with the predominantly natural appearance of the foothill setting" (emphasis added). Giant steel structures are emphatically not in keeping with a natural appearance, and are made even worse by cosmetic attempts in various other locations to disguise antennas as trees or other objects. The County has no need to promote cell phone use by high-speed drivers, with all its well-known dangers to the phone user and nearby cars.

While commercial antennas do not belong in these foothills at all, the proposed OS/F zoning also fails to regulate them sufficiently. If commercial antennas were to be allowed, OS/F zoning should carefully control their location, appearance, and number. The current proposal provides inadequate safeguards.

Concluding Comments

Our comments are aimed at bringing the language closer to meeting the purpose of maintaining the open space character of this unique resource. To ensure long-term protection we urge the County to create strong viewshed protections, prohibit commercial antennas, protect habitat, and provide Planning Commission Review.

Again, Committee for Green Foothills appreciates the opportunity to comment on the OS/F ordinances and look forward to further discussion as needed to clarify our suggested modifications.

Thank you for your consideration.

Sincerely,



Brian A. Schmidt
Legislative Advocate

cc: Santa Clara County Board of Supervisors
Ann Draper, Santa Clara County Director of Planning

Steve Emslie, Palo Alto Planning Director
Members of the Palo Alto City Council
Members of the Palo Alto Planning Commission
George Mader, Portola Valley Planner
Members of the Portola Valley Planning Commission
Craig Britton, General Manager, Midpeninsula Regional Open Space District