

Written Comments for
Regular Public Comment Section
- **Consent Agenda**
- **Non Agenda Items**

From: [JQ Oeswein](#)
To: [CEO BoardFeedback](#)
Cc: [Karen deMoor](#); [Dolores Silva](#)
Subject: BoS Meeting 10/18/22: **Consent Agenda Item #48** - Resolution Authorizing SWCA Environmental Consultants to Perform EIR for the Proposed Cypress Point Affordable Housing Project
Date: Monday, October 17, 2022 12:31:12 PM
Attachments: [MidcoastECO to BoS re CypressPt April 26 2021 sent.pdf](#)

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Dear Supervisors Pine, Groom, Horsley, Slocum and Canepa,

I write on behalf of Midcoast ECO, a community-focused, educational and advocacy non-profit organization promoting sensible planning and protection of the San Mateo County Midcoast. We noted that you are proposing a resolution in the Consent Agenda to choose SWCA Environmental Consultants to conduct environmental studies and prepare an EIR for the Cypress Point Affordable Housing Project.

We would like to reemphasize the importance of a thorough environmental review in order to address the many ongoing concerns of San Mateo County Coastside residents regarding the proposed project's safety and health impacts to their own families and also to future Cypress Point project residents. In addition to significant concerns about the project's impact on traffic and infrastructure, there is documented presence of **hazardous materials** at the project site and the studies conducted to date to evaluate them have been limited and flawed. Details are noted in our April 26, 2021 letter to you, attached below for your reference.

The project site was a former WWII military training facility. It has been essentially abandoned for the last 60 years and has been subjected to decades of illegal dumping of appliances, furniture, motor oil, diesel fuel and trash. The site also lies directly above Montara Creek, which drains into the federally protected Fitzgerald Marine Reserve. We therefore request that SWCA be advised to exercise extra diligence in drafting their environmental review plans for this site and to consult and collaborate with the Department of Toxic Substances Control (DTSC) and the San Francisco Regional Water Quality Control Board (SFRWQCB) to develop appropriate test plans and remediation procedures.

Thank you for your attention.

JQ Oeswein
Board Member | **Midcoast ECO** | www.MidcoastECO.Org
Sensible planning and protection for the San Mateo County Midcoast!

April 26, 2021

To: San Mateo County Board of Supervisors

Subject: San Mateo County Coastal Development Permit (CDP) Review of Proposed Cypress Point Project, Moss Beach, PLN2018-00264

Dear Supervisors Pine, Groom, Horsley, Slocum and Canepa,

I write on behalf of Midcoast ECO, and as a scientist and resident of Moss Beach, regarding the County's environmental review in consideration of a CDP for the proposed Cypress Point development in Moss Beach. Midcoast ECO is a community-focused, educational and advocacy non-profit organization promoting sensible planning and protection of the San Mateo County Midcoast.

Midcoast ECO has received numerous comments from Moss Beach residents who are particularly concerned about the proposed project's safety and health impacts to their own families and also to future Cypress Point project residents. These concerns arise due to the presence of **hazardous materials** at the project site and the limited and flawed evaluation of these impacts to date, as well as an awareness of recent history regarding underestimated toxicity at Treasure Island, Bayview Hunters Point, San Francisco Green Street Garage, etc.

Midcoast ECO recognizes the need for affordable housing and supports efforts to find sustainable solutions to the housing crisis. However, the **pressure to build affordable housing does not justify putting public safety at risk.**

In the interest of social justice and public safety, **we ask the Board of Supervisors to require an in-depth review of environmental hazards, in collaboration with the appropriate state agencies (California Department of Toxic Substances Control-DTSC, San Francisco Regional Water Quality Control Board-SFRWQCB), culminating in a full and transparent Environmental Impact Report (EIR), before any project is allowed to proceed at Cypress Point.**

Background Information

A recent report on the History and Environment of Farallon Heights¹ (the historical name of the project site), indicates that it was part of the U.S. Navy's Point Montara Anti-aircraft Training Center from 1943-46. This training center housed over 1,500 men and trained over 320,000 men on the then-latest technology in anti-aircraft warfare during WWII. The military facilities on the Farallon Heights portion of the site included a boiler room with underground fuel tank, an incinerator, a gas pump and vehicle service area, a garage, several barracks, a TDD (drone) hanger, a subsistence building and a drill field. These facilities are indicated on the annotated map below from 1943.

¹ [History and Environment of Farallon Heights.](#)

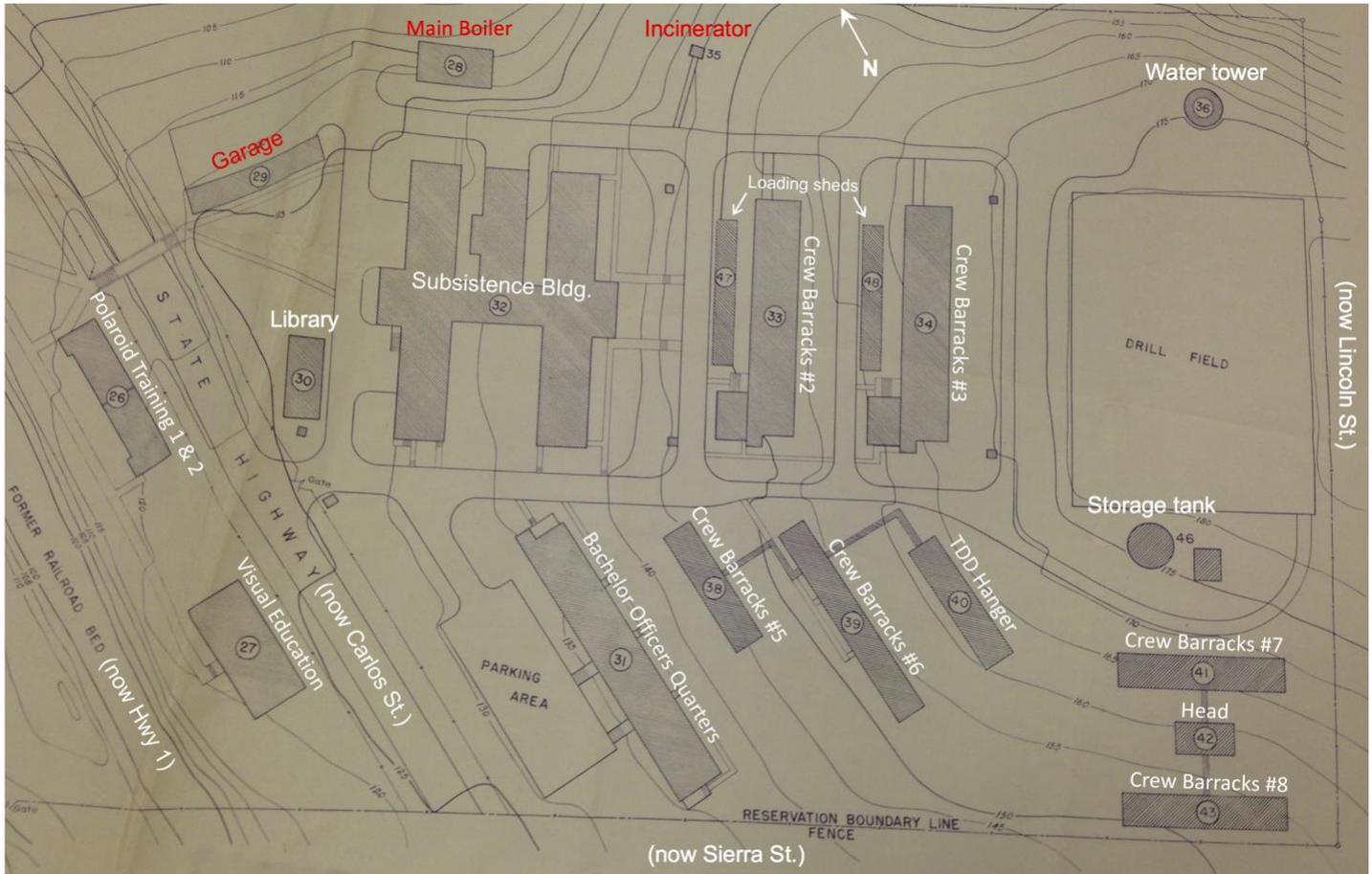


Fig 6. Map of the Farallon Heights Portion of the U.S. Navy Point Montara Anti-aircraft Training Center.

After the military's departure, the property and all of the buildings were sold as is in 1948. Most of the buildings were salvaged, but at the time there was no assessment for or cleanup of hazardous materials. An elementary school was built on the foundation of the Subsistence Building around 1950. This school also used the Navy incinerator and remained in operation until 1962, after which the entire site was essentially abandoned. The remaining buildings burned down a few years later, leaving the foundations and noncombustible building materials.

In 1985, Farallon Vista Associates prepared an EIR in anticipation of building a multi-unit housing complex there. However, **the 1985 EIR did not include an assessment for the presence of hazardous materials.** The developers installed two wells on the property, but their plans for further development were abandoned shortly thereafter.

A Limited Phase II Subsurface Investigation, performed by AEI Consultants under contract by MidPen Housing in 2016², was the first assessment for hazardous materials at this site. An even more limited follow-up investigation was performed by AEI in 2018³. Reports of both

² [Limited Phase II Subsurface Investigation-AEI Consultants.](#)

³ [Additional Subsurface Investigation & Water Well Evaluation.](#)

investigations were provided in MidPen Housing's April, 2019 application. The stated purpose of these investigations was "to assess whether or not subsurface conditions (i.e., soil) beneath the property have been impacted by the historical onsite operations". However, as detailed below, these limited investigations were wholly inadequate in assessing the presence and extent of hazardous materials at the project site. An overlay map of boring sites and a results summary table taken from AEI's Phase II investigation report are shown below.

County Review Draft

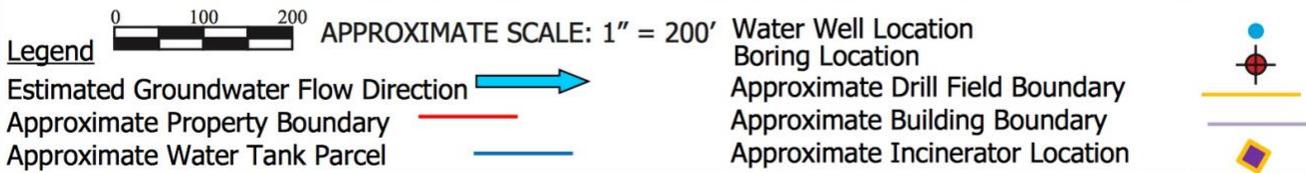


Figure 3: BORING LOCATION MAP
Carlos Street at Sierra Street, Moss Beach, California, 94038
Project Number: 350428



TABLE 1: SOIL SAMPLE DATA SUMMARY
Carlos Street at Sierra Street, Moss Beach, CA

Location ID	Date	Depth (feet bgs)	Lead (mg/kg)	TPH-g (mg/kg)	TPH-d (mg/kg)	TPH-mo (mg/kg)	VOCs (mg/kg)	PCBs (mg/kg)	Arsenic (mg/kg)	Barium (mg/kg)	Chromium (mg/kg)	Cobalt (mg/kg)	Copper (mg/kg)	Molybdenum (mg/kg)	Nickel (mg/kg)	Vanadium (mg/kg)	Zinc (mg/kg)	Remaining Metals (mg/kg)	Total Hexafurans (mg/kg)	Other Dioxins/Furans (mg/kg)
B-1-1.5	12/22/2015	1.5	4.5	--	--	--	--	<MRL	2.3	44	15	3.9	2.2	1.0	13	36	29	<MRL	2.78 x 10 ⁶	--
B-3-2.0	12/23/2015	2	--	--	1.3	<5.0	--	--	--	--	--	--	--	--	--	--	--	--	--	--
B-3-5.0	12/23/2015	5	--	--	<1.0	<5.0	--	--	--	--	--	--	--	--	--	--	--	--	--	--
B-4-0.0	12/23/2015	0	29	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
B-5-0.0	12/23/2015	0	54	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
B-6-0.0	12/23/2015	0	8.4	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
B-7-0.0	12/23/2015	0	230	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
B-7-1.5	12/23/2015	1.5	7	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
B-8-0.0	12/23/2015	0	23	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
B-9-0.0	12/22/2015	0	6.5	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
B-10-0.0	12/22/2015	0	45	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
B-11-0.0	12/22/2015	0	6.2	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
B-12-5.0	12/23/2015	5	--	<1.0	--	--	<MRL	--	--	--	--	--	--	--	--	--	--	--	--	--
B-13-6.0	12/23/2015	6	--	<1.0	--	--	<MRL	--	--	--	--	--	--	--	--	--	--	--	--	--
B-14-2.0	12/23/2015	2	--	<1.0	--	--	<MRL	--	--	--	--	--	--	--	--	--	--	--	--	--
B-15-0.0	12/22/2015	0	25	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
B-15-7.0	12/23/2015	7	--	<1.0	--	--	<MRL	--	--	--	--	--	--	--	--	--	--	--	--	--
B-16-0.0	12/22/2015	0	15	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
B-17-4.0	12/22/2015	4	--	<1.0	--	--	<MRL	--	--	--	--	--	--	--	--	--	--	--	--	--
B-18-0.0	12/22/2015	0	12	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
B-19-0.0	12/22/2015	0	7.9	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
B-20-0.0	12/22/2015	0	41	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
B-20-1.5	12/22/2015	1.5	8.1	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
B-21-0.0	12/22/2015	0	88	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
B-21-1.5	12/23/2015	1.5	8.8	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
B-22-0.0	12/22/2015	0	19	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
B-23-0.0	12/22/2015	0	15	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
B-24-0.0	12/22/2015	0	16	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
B-25-0.0	12/22/2015	0	8.9	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
B-26-0.0	12/22/2015	0	7.4	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
B-27-0.0	12/22/2015	0	6.3	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
B-28-0.0	12/22/2015	0	9.7	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
B-29-0.0	12/22/2015	0	8.7	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
B-30-0.0	12/22/2015	0	9.1	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
B-31-0.0	12/22/2015	0	7.8	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
B-32-0.0	12/22/2015	0	7.0	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
B-33-0.0	12/22/2015	0	39	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
B-34-0.0	12/22/2015	0	34	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Regulatory Screening Levels																				
RWQCB ES _{residential}	80	100	100	100	varies	varies	0.39	750	750	23	230	40	150	200	600	N/A	N/A	N/A	N/A	N/A
USEPA RSL _{residential}	400	82 - 520	96 - 110	2500 - 230000	varies	varies	0.68	15,000	120,000	23	3,100	390	NE	390	23,000	N/A	N/A	N/A	N/A	N/A

Notes:
mg/kg milligrams per kilogram
<MRL less than the method reporting limit
bgs below ground surface
TPH-g Total Petroleum Hydrocarbons as Gasoline
TPH-d Total Petroleum Hydrocarbons as Diesel
VOCs Volatile Organic Compounds
PCBs Polychlorinated biphenyls
Bold Result exceeds applicable Comparison Value
-- Not analyzed
N/A Not applicable
NE Not established

Regulatory Screening Levels:
RWQCB ES_{residential}: California Regional Water Quality Control Board Environmental Screening Level for residential land use for shallow soils (<3 meters bgs) assuming groundwater is a current or potential drinking water resource RWQCB, 2013, Table A-1).
USEPA RSL_{residential}: United States Environmental Protection Agency (USEPA) Regional Screening Level for residential soil (USEPA, June 2015 revised)

Review of the Testing Plan and Results from AEI's Phase II Limited Subsurface Investigation

1. No soil tests were conducted in or around the military Garage area. This is a major oversight, as exemplified in a recent article in the SF Chronicle – “How SF sidestepped state law on developing toxic sites”, which outlines the problem of building housing on sites previously contaminated by gas stations, vehicle repair shops and parking garages⁴.
2. No soil tests were conducted in or around the military Loading Sheds.
3. Only one boring (B-1) was done near the military Incinerator. It was taken at a depth of only 1.5 feet and was taken uphill from the Incinerator. Results from this one sample indicated an arsenic level of 2.3 mg/kg, exceeding SFRWQCB's Environmental Screening Level (ESL) of 0.39 mg/kg.

⁴ SF Chronicle: [How SF sidestepped state law on developing toxic sites.](#)

4. Only two borings were done near the military Main Boiler (B-3) at depths of only 2 and 5 feet. Although indicated on the above map, there was no sample taken at location B-2.
5. There is significant untested space between the Garage, Main Boiler and the Incinerator, as well as between building foundations.
6. For the vast majority of indicated test sites, only surface soil samples were taken and very few tests for contaminants other than lead were reported (see Table 1 above).
7. Only one of two water wells on the site was located and destroyed⁵, although the top of the second (lower) well is clearly visible on the northwest side of the site near 16th Street.
8. Two locations (B-7 and B-21) indicated surface lead concentrations of 230 and 88 mg/kg, exceeding SFRWQCB's ESL limit of 32 mg/kg for terrestrial habitat exposure.
9. Despite the limitations of the Phase II investigation regarding all potential hazardous materials that may be expected at the project site, the Phase II report recommended further testing for lead only and only around locations B-7 and B-21. This was done in a small follow-up study (see footnote 3). Results of this study indicated the presence of **lead** near location B-7 that was 290 mg/kg, **9-times the SFRWCQB's ESL limit**. According to expert testimony from SWAPE Consulting⁶, as well as that provided by an environmental chemist with extensive experience in assessing building sites in California for hazardous materials (shown below), the testing plan for lead used by AEI was not sufficient and indeed indicates that the presence of lead may be more widespread on the project site.
10. According to the 'Report Limitations and Reliance' sections in both AEI subsurface investigation reports regarding the number and location of samples, AEI states that "it cannot be assumed that they are representative of areas not sampled. This report should not be regarded as a guarantee that no further contamination beyond that which could have been detected within the scope of this investigation is present beneath the subject property".
11. **AEI Consultants did not test the site for asbestos** or even consider its potential presence. It is common knowledge that asbestos was extensively used during the WWII era by the military, as well as around 1950, when the elementary school was built on the military Subsistence Building foundation. Asbestos abatement was conducted on site near the Water tank in 1989 and the contractor noted the presence of asbestos on other areas of the premises not abated⁷.

Additional Review Comments from a California Environmental Chemist

"No Sampling Plan was submitted for Agency or Public Review. The sampling, as it occurred, would never have passed review by any agency (DoD, EPA, CA EPA, DTSC) without significant comments and requirement to modify the plan. The following are the types of comments you would expect to receive from these agencies and should have been included in the sampling plan:

⁵ [Water Well Sampling and Well Destruction.](#)

⁶ [SWAPE Comments on the MidPen Cypress Point Project Regarding Hazards, Hazardous Materials, Hydrology and Water Quality.](#)

⁷ [Triad Environmental Systems, Inc.: 1989 Letter to Citizens Utilities.](#)

Adequate maps showing ALL potential release points, groundwater flow, and projected sampling points including analytical methods, analytes, sampling locations including depths, etc. should be included. Discussion should be included for whether the sampling plan would be for statistical analysis (EPA DQOs, see below) or for "judgmental sampling".

Characterization of potential hazardous waste sites must include adequate numbers of samples for contaminants of potential concern (COPCs) in a random statistical sampling plan with enough samples and locations to be able to perform statistical analyses according to EPA Guidance on Systematic Planning Using the Data Quality Objectives Process, EPA QA/G-4. The sampling as it occurred does not meet the requirements to conclude that the site is free of contaminants of concern.

Because the EPA DQO process requires so many samples and analyses to be able to statistically analyze the results and locations in a meaningful way, "judgmental sampling" may be used instead. This requires that ALL potential release points be disclosed, and adequate sampling be based on locations and possible migration of contaminants, taking into account potential migration pathways including leaching through the soil column, transport by air, and groundwater flow.

It appears the sampling occurred without review or comment, and without justifications for where and how sampling would occur. The sampling, as it occurred was flawed and did not meet any requirements for explaining why specific samples were collected and analyzed for specific methods. The following specific items should have been included in a "judgmental sampling" plan:

Lead, total petroleum hydrocarbons (TPH) as gasoline (TPH-g), diesel (TPH-d), and motor oil (TPH-mo) should have been analyzed at the surface (top 0.5 ft), 2 ft, and every 3-5 feet to groundwater from potential release points, and samples should follow the path of water runoff flow for at least several yards per decade of potential migration. This would apply to each potential fuel or oil storage or use area. This would be similar to any underground storage tank (UST) removal or spill investigation, but has not been adequately done to meet even minimal UST requirements. 27 Lead samples were collected only at the surface, but should also have been collected at depths of 2 feet and every 3-5 feet to groundwater. TPH sampling was wholly inadequate to characterize the site. Inadequate numbers of samples were collected without an established grid, nor with any indication that surface water flow and potential migration of contaminants has been characterized.

Any location from the 1940s with potential motor oil release should also be analyzed for polychlorinated biphenyls (PCBs). PCB analyses should have been performed at the surface (0-0.5 ft) as PCBs do not migrate through the soil easily, and should have occurred in a random grid around areas such as repair areas and motor oil storage tanks. One sample was collected and analyzed for PCBs for the whole 11-acre site. Inadequate numbers of samples were collected without an established grid, nor with any indication that potential migration of

these contaminants likely to have been released from potential release points has been characterized.

Dioxin furans samples should have been collected in a grid around the incinerator every 3-5 feet per decade from the incinerator following the path of water runoff at the surface and at depths of 1 ft and 3 ft and at similar depths up to 20 meters from the incinerator due to wind dispersal, with the majority of samples in the prevalent downwind direction. Surface water runoff would be downhill (to the west) and the predominant winds are from the NW, so samples should have been collected in the patterns discussed above to the west and SE of the incinerator. The single sample collected was uphill to the east of the incinerator, and cannot be judged to adequately characterize the area around the incinerator.

5 samples were collected for volatile organic compounds (VOCs) for the whole 11-acre site. 5 samples cannot adequately characterize more than one borehole, much less a whole 11-acre site.

No samples were collected or analyzed for asbestos, even though asbestos would have been routinely used during World War II throughout the site.

For an 11-acre site with known high density and high utilization during World War II, a total of 31 samples were analyzed for lead, 5 samples were analyzed for VOCs, 5 samples were analyzed for TPH-g, 2 samples were analyzed for TPH-d and TPH-mo, 1 sample was analyzed for PCBs, 1 sample was analyzed for dioxins/furans and 1 sample was analyzed for CAM 17 metals. Under no circumstances would this sampling event be deemed to adequately characterize even a 0.5-acre site by any agency (DoD, EPA, CA EPA DTSC or SFRWQCB). This would not even meet the requirements for brownfield redevelopment or property transfer for insurance purposes. Even if none of the sample results exceeded regulatory criteria, regardless of the results of the samples collected, this site has not been characterized adequately for a former World War II installation for housing development to proceed.

There is no way that the samples collected can be considered to adequately show that contaminants are not present at this site. If this were a parcel of land still owned by a DoD agency, there is no way that this sampling investigation could be judged to adequately characterize this former World War II installation site as transferable to the public, especially for public housing development.

Additional questions regarding this sampling event: Have these soils been adequately characterized for disposal as either hazardous waste or non-hazardous waste? If the former, state law requires that the landfill be apprised of the sampling plan. The site must also be free of contamination to meet insurance requirements.

This site should not be used for housing development, whether high density or very low density, until a proper, adequate, sampling and analysis characterization that would meet the requirements of any related agency has been completed."

The above comments are very concerning, especially considering that MidPen Housing stated in their application that site grading will require removal of 875 truckloads of material from the project site⁸. Since there are no major roads with direct access to the project site, these **875 truckloads of material, including contaminated soil, will be hauled through our small residential neighborhoods**, raising additional health and safety concerns for our community's children and vulnerable adults. Furthermore, mixing soils on site as an alternative to reducing hazardous waste concentrations, as proposed by AEI in their "Additional Subsurface Investigation & Water Well Evaluation" report (see footnote 3), is also clearly unacceptable. Additionally, runoff from the site as a result of grading, grubbing and excavating the highly-sloped property, which is in close proximity to Montara Creek (50-250 feet) and the Federally Protected Fitzgerald Marine Reserve, will be unavoidable.

In Summary

Midcoast ECO understands the need for affordable housing and supports efforts to find sustainable solutions to the housing crisis. However, the **pressure to build affordable housing does not justify putting public safety at risk.**

To protect the health and safety of current and future residents, we ask the Board of Supervisors to require an in-depth review of environmental hazards, in collaboration with the appropriate state agencies (DTSC, SFRWQCB), culminating in a full and transparent Environmental Impact Report (EIR), before any project is allowed to proceed at Cypress Point.

Sincerely,

JQ Oeswein, Ph.D.

Midcoast ECO Board of Directors

CC:

Midcoast Community Council

California Coastal Commission

Erik Martinez, CA Coastal Commission Program Analyst

Mike Schaller, San Mateo County Senior Planner

Steve Monowitz, San Mateo County Community Development Director

San Mateo County Planning Commission

Julie Pettijohn, DTSC Region 2 Branch Chief

California Water Board

Montara Water and Sanitary District

Andrew Bielak, MidPen Housing Associate Director of Housing Development

⁸ [Cypress Point Affordable Housing Project Air Quality and Greenhouse Gas Emissions Assessment](#)

From: [Joy Pasamonte Henry](#)
To: [Dave Pine](#); [Carole Groom](#); [Don Horsley](#); [Warren Slocum](#); [David Canepa](#); [CEO BoardFeedback](#)
Subject: Comments for October 18 Meeting: Civilian Oversight
Date: Sunday, October 16, 2022 8:33:40 PM

CAUTION: This email originated from outside of San Mateo County. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.

Dear Board President Horsley and Supervisors,

I am an active community volunteer in the city of Millbrae and a board member of Fixin' San Mateo County.

I support the goal of Fixin' San Mateo County to pass a strong ordinance for civilian oversight of the Sheriff's Office. Thank you for scheduling a study session on November 1.

Please include the community in the planning for the Study Session.

Please adopt the ordinance before the end of December, and work out the details next year.

Civilian oversight is common sense good government. Civilian oversight provides transparency and accountability and supports positive relationships between law enforcement and the community.

Thank you for taking these items into consideration. We appreciate all that you do for San Mateo County.

--

Warm Regards,

Joy Pasamonte Henry

Written Public Comments
for **Item No. 2**

From: [Cybele LoVuolo-Bhushan](#)
To: [CEO BoardFeedback](#)
Subject: Community Wellness Response Team for Behavioral Health - Report
Date: Wednesday, October 12, 2022 6:06:03 PM

CAUTION: This email originated from outside of San Mateo County. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.

Dear San Mateo Board of Supervisors,

I am writing to support the recommendations of the Behavioral Health Commission report recommendation for a non police response to Mental Health crisis calls. After reviewing the 20 odd pages of the ad hoc Committee Report submitted by Chris Rasmussen it is evident there is adequate research and rationale to adopt the committee recommendations.

The clear advantages to having a clinician and peer support team response to Mental Health crisis calls are significant cost savings, less incarceration, less hospitalizations and the benefit of providing better services and linkages to support those in crisis.

The evidence of success in other jurisdictions is not just convincing, it demonstrates that in an overwhelming number of Mental Health calls the Community Wellness response is preferable to an armed police response. Please adopt and implement the recommendations of the Committee Report post haste.

Thank you,

Cybele LoVuolo-Bhushan

From: [WILLIAM ELTING](#)
To: [CEO BoardFeedback](#)
Subject: Public Input for Tuesday's Board Meeting
Date: Sunday, October 16, 2022 1:54:01 PM

CAUTION: This email originated from outside of San Mateo County. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.

Regarding: PRESENTATIONS AND AWARDS 2. Informational Presentation:
Behavioral Health Commission Crisis Response Recommendations.

Dear County Board of Supervisors:

My name is William Elting. I am a long time County resident, active volunteer in the mental health community, and mental health advocate.

I am writing in support of the Behavioral Health Commission's recommendations for a county wide, non-law enforcement mental health emergency response team, and mental health Crisis Stabilization Units (CSUs).

These services have been in place in various locations around the country for some time. Eugene Oregon is the most visible model for its CAHOOTS mental health emergency response model. Southern Arizona is probably the best example of the use of a "no wrong door" CSU. These recommendations reflect Best Practices as determined by design, implementation, review, revision and ultimately documentation of what is already in place and well tested elsewhere. The recommendations are consistent with the Roadmap to the Ideal Crisis Management System, and SAMHSA guidelines on which federal funding will likely be based.

It is good that some efforts are in place in San Mateo County to create alternative response teams for mental health crisis response. The CWCRT is testing a co-responder model, and Youth SOS has opened the door for those under 26 years old. Coastside CARES is a fine example of how well this works, and how much cost saving it generates. Every day this service is needed somewhere in the County. Law enforcement is expensive, and often not the best option for a person in need of mental health services. And there is the opportunity cost as well; we need the police free to do police work.

The complete lack of CSUs in this County, or even other mental health urgent care, results in people having mental health crises being unnecessarily taken to hospital emergency rooms and/or jail, at great expense to tax payers, insurers, hospitals and others. It can also result in people not getting services at all.

I look forward to these recommendations being approved and funded so this County can move forward.

From: [Sara Matlin](#)
To: [CEO BoardFeedback](#)
Subject: Agenda Item #2: Please adopt the BHC's recommendations
Date: Sunday, October 16, 2022 2:21:44 PM

CAUTION: This email originated from outside of San Mateo County. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.

Dear San Mateo County Board of Supervisors,

Thank you, President Horsley, for putting this item on the agenda. I am a volunteer co-chair of the ACLU-North Peninsula Chapter. I am also a homeowner in Redwood City. I am writing to ask you to implement the [Behavioral Health Commission's recommendations](#) to improve the crisis response services across San Mateo County for people experiencing mental health, substance use, or other nonviolent emergencies.

As noted in the Commission's recommendations: 1) We need a non-armed crisis response team that serves the entire county. 2) 911 Dispatch needs to be modernized to match the caller with an appropriate emergency response. 3) Our county should establish community-based crisis stabilization centers. My remaining comments will focus on the first point: the need to provide unarmed experts to support our neighbors in crisis in every community in our county.

Law enforcement acting as the primary or co-responder to mental health crises leads to overuse of emergency departments, unnecessary arrests and incarceration, and the risk of confrontation ending in deadly force. The Half Moon Bay CARES pilot provides unarmed behavioral health clinicians and EMTs, who respond to nonviolent calls for service without law enforcement. This model utilizes 911 and 988 as dispatch services, but avoids law enforcement acting as the primary responder. Under this model of service, as a default, unarmed crisis experts, such as mental health clinicians, EMTs, peer support specialists, and community liaisons answer nonviolent emergency calls for crisis assistance.

So residents in some community members in crisis receive ideal crisis assistance. That is, they receive assistance from unarmed experts. However, many of our county's communities have no alternative to traditional policing. The support a community member receives-- 1) A caring expert support that directly addresses their emergency or 2) Handcuffs, a jail cell, and a criminal record -- should not depend on where they are standing, sitting, or lying in our county. A 24/7 non-armed *county-wide* crisis response unit would ensure equal support and safety for all.

If San Mateo County offered an unarmed, non-law-enforcement default for nonviolent emergency calls, we could join a growing list of communities that have successfully adopted such programs. After the CAHOOTS program in Eugene, Oregon led the way, many others have followed, including San Francisco, Oakland, and Santa Rosa. Stanford University's study of Denver, Colorado's program showed a 34% drop in reported crimes. Denver's non-law enforcement default costs four times less than the traditional police-only response.

We are heartened that the Board has implemented the mental health crisis co-responder pilot program in four cities in our county. Unfortunately, this model requires armed officers to respond first, even to nonviolent crisis situations. Please do not forget that all three of the taser deaths in San Mateo County in

2018 and the deaths of two people shot and killed by Sheriff's deputies in Half Moon Bay involved victims who suffered from mental health issues. While the pilot continues, we urge the Board to implement the BHC's recommendations now to ensure that our neighbors who need community support receive equal access to the care, compassion, and properly qualified support that they deserve.

Supervisors, please invest in the health and safety of all the county's community members by adopting each of the Behavioral Health Commission's recommendations as swiftly as possible to improve the county's crisis response services and make our community safer.

Thank you.

Sara Matlin

From: [pat.way](#)
To: [CEO BoardFeedback](#)
Subject: Public Comment: October 18, 2022 Board of Supervisors Meeting, Agenda item 2.
Date: Sunday, October 16, 2022 5:16:10 PM

CAUTION: This email originated from outside of San Mateo County. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.

Public Comment, October 18 Board of Supervisors Meeting
Agenda Item 2: Informational Presentation: Behavioral Health Commission Crisis Response Recommendations.
Sponsors: Dave Pine

Good Day!

My name is Patricia Way and I've lived in San Mateo County for 55 years. I've been a mental health advocate for many of those years and am past President of NAMI SMC and past Chair of the Behavioral Health Commission.

Thank you, President Don Horsley for putting this important item on the agenda!

I strongly urge the Board of Supervisors to implement the Behavioral Health Commission recommendations for improving the county's crisis response services for people experiencing a mental health, substance abuse, or other nonviolent emergency for the safety and welfare of our community as well as the individuals in crisis. It's very important to have a county-wide response. There is currently a 4 city (Police Department) pilot crisis response programthis can be enhanced/modified and built upon as suggested in the Commission's recommendations.

Over the last few years, the Commission's Ad Hoc committee, under the leadership of Chris Rasmussen and Sheila Brar, have clearly done extensive investigation and research on the county-wide needs in this vital area of crisis response. The proposed presentation by BHC is very thorough and well thought out. Numerous examples are noted regarding how other parts of California and the country are reacting to similar issues of crisis response for challenging populations.

Key findings by the Commission include and need to be addressed:

- Need for mental health services be inserted in the 911 system: Dispatchers are **key** here and could ask the caller: what kind of emergency....Police, Fire, EMT, **MENTAL HEALTH**
- Need to triage mental health calls for service early.
- Need for consistent, county-wide services for mental health crisis.

Need for County wide standards on dealing with a mental health crisis.

- Need for comprehensive integrated system of services accessible to anyone, anywhere, and anytime providing "No Wrong Door".
- Need for a non-armed crisis response team.

From my perspective, a county-wide approach is imperative!

Thank you to the entire Board of Supervisors for your support of the Behavioral Health Commission recommendations on County Wide Crisis Services. Thank you also for all you do for San Mateo County!!!

Patricia Way

From: [Joy Pasamonte Henry](#)
To: [CEO BoardFeedback](#)
Subject: Comments for the Oct 18 Meeting: Behavioral Health Commission Presentation
Date: Sunday, October 16, 2022 8:43:59 PM

CAUTION: This email originated from outside of San Mateo County. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.

Dear President Horsley and Supervisors,

My name is Joy Pasamonte Henry. I am chapter leader for the ACLU Northern California, North Peninsula. Thank you, President Horsley, for putting this item on the agenda. I ask that the Board of Supervisors adopt each of the Behavioral Health Commission's recommendations as swiftly as possible to improve the county's crisis response services and make our community safer.

Crisis teams responding to people experiencing mental health, substance use, housing insecurity, and other nonviolent emergencies should be independent of law enforcement. Law enforcement acting as the primary or co-responder to mental health crises leads to overuse of emergency departments, unnecessary arrests and incarceration, and the risk of confrontation leading to deadly force.

My eldest daughter, Ema, has struggled with mental health issues for most of her young life and spent over a month in the adolescent psychiatry ward of the Mills Health Center in San Mateo when she was only 14 years old. Mental health is an extremely personal issue for me.

Thank you for considering this proposal and all you do for San Mateo County.

--

Warm Regards,

Joy Pasamonte Henry

From: [Clara Jaeckel](#)
To: [CEO BoardFeedback](#)
Subject: public comment for item 2, Behavioral Health Commission Crisis Response Recommendations
Date: Monday, October 17, 2022 3:50:31 AM

CAUTION: This email originated from outside of San Mateo County. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.

To the Board of Supervisors:

My name is Clara Jaeckel and I live in Redwood City. I would like to thank President Horsley for putting the Behavioral Health Commission crisis response recommendations on the agenda this week. I ask you to adopt each of the Commission's recommendations as swiftly as possible to improve the county's crisis response services and make our community safer.

Crisis teams responding to people experiencing mental health, substance use, housing insecurity, and other nonviolent emergencies should be independent of law enforcement. Law enforcement acting as the primary or co-responder to mental health crises leads to overuse of emergency departments, unnecessary arrests and incarceration, and the risk of confrontation leading to deadly force. The presence of police is all too often an escalating factor in and of itself, worsening a crisis situation, or deterring people in crisis or their families and others from calling for help at all.

As a Redwood City resident, I have been glad to see some initial steps toward improved response options through the four-city "Community Wellness and Crisis Response Team" pilot program. However, this program still requires armed officers to respond first, even to nonviolent crisis situations. Also, having the pilot scattered through a subset of cities in the county leaves an incomplete patchwork of options in other areas. San Mateo County needs a standalone, non-armed crisis response unit designed to operate mobile crisis service independently to the entire county regardless of law enforcement jurisdiction. There are several possible models and precedents to follow, such as the Denver STAR Program, or closer to home, the CARES program already established in Half Moon Bay, both of which operate emergency response teams made up of unarmed EMTs and behavioral health clinicians. So while the CWCRT pilot continues, I urge you to establish an ad hoc committee and schedule a study session on adopting the Behavioral Health Commission crisis response recommendations now.

Additionally, in order for such a program to be truly successful, dispatch services need to be updated to make best use of it. 911 dispatch needs to be modernized to predictably match the caller with an appropriate emergency response. The county's dispatch system should:

- Reshape dispatch training and culture to make a non-law enforcement response the default at every possible opportunity.
- Include behavioral health experts on the dispatch floor to lend consistency and accuracy to the process of matching a call involving mental health or quality of life emergencies to the available emergency resources.
- Add "mental health" to police, fire, and EMS as an option for service.
- Assess whether its classification coding and training are state-of-the-art, so they can consistently and reliably dispatch the appropriate response to a caller's particular emergency.

I urge the Board to adopt the BHC's recommendations for county-wide crisis services to

ensure that our neighbors who need community support receive equal access to the care, compassion, and properly qualified support that they deserve. Thank you for considering this proposal.

Clara Jaeckel

From: [Emily Morris](#)
To: [CEO BoardFeedback](#)
Subject: Public comment in support of a non-police response to mental health crises
Date: Monday, October 17, 2022 7:59:50 AM

CAUTION: This email originated from outside of San Mateo County. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.

Hello,

As a San Mateo resident and your constituent, I am writing in advance of tomorrow's meeting in support of a *non-police* response to mental health crises in San Mateo County. I support the following:

- Creation of a stand-alone, non-armed mobile crisis response team of trained mental health and medical emergency responders to service the County. This should include *zero* police officers.
- Ensure that if someone calls 911 for a mental health crisis, this team responds *without any police involvement. That means zero cops involved in mental health crisis response.*
- Establish Community Based Crisis Stabilization Centers, sometimes referred to as Mental Health Urgent Care Centers. Again, *no* police should be involved in this center (unless they are seeking mental health treatment for themselves!)

Far too often when police are called, they escalate the situation and even cause grave bodily harm to the caller, the family, or others in the community once they're called. At best, they very often traumatize the people they're called to protect. Police are unfit to serve as mental health responders and should have zero role in mental health response.

In short, please invest in alternatives to policing, including a mental health crisis team that has zero cops involved.

Thank you,
Emily

From: [Sabine Won](#)
To: [CEO BoardFeedback](#)
Subject: public comments for Board meeting on 10/18
Date: Monday, October 17, 2022 9:26:05 AM

CAUTION: This email originated from outside of San Mateo County. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.

As a 50-year resident of San Mateo County, I urge you to create a non-armed 24/7 crisis response unit that operates independently of other mental health emergency response personnel. Currently, we have police responding with mental health clinicians which includes the risk of shooting unarmed citizens who are having a mental health crisis. It's very important to have a non-armed team to be dispatched whenever possible.

I also urge you to include a trained licensed mental health professional in the Dispatch center to supervise calls for service. You should add "mental health emergency" to the county's 911 answering protocol.

Our county also needs to create Urgent Care Centers for mental health crises. There's a critical need for consistent, county-wide services that address mental health in the streets.

Thank you for doing all you can to protect the most vulnerable in our community!

Sabine Won
94070

From: [Samantha Rajaram](#)
To: [CEO BoardFeedback](#)
Subject: support for mobile crisis response teams
Date: Monday, October 17, 2022 12:04:35 PM

CAUTION: This email originated from outside of San Mateo County. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.

Dear Board of Supervisors,

I'm writing in advance of an upcoming board meeting, to express my support for an independent mobile crisis response team of mental health and medical emergency response personnel to assist with members of our community who are without housing or who require support.

Though some law enforcement personnel are mindful in their communication with people in crisis, the mere presence of law enforcement can be intimidating and frightening to others. Having this sort of mobile unit available provides an alternative way to support the community, and could save the city money in potential lawsuits and overtime pay to law enforcement personnel.

Thank you for considering this request.
Sincerely,

Samantha Rajaram

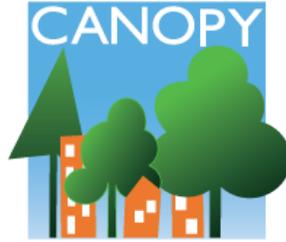
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<https://linktr.ee/samantha.rajaram>

Written Public Comments
for **Item No. 13**

Staff Leadership

Catherine Martineau
Executive Director
Christie Galitsky
Sr. Director of Programs
Shannon McDonald
Operations Director
Vanessa Wynn
Education Director
Natalie Brubaker
Special Projects Director



October 14, 2022

Board of Directors

Laura Martinez
Chair
Holly Pearson
Vice-Chair
Shelley Ratay
Treasurer
Marilyn Keller
Secretary
David Armstrong
Maria Chai
Mary Dateo
Jonathan Herbach
Rachel Knowles
Kirsten Mouradian

San Mateo County
400 County Center
Redwood City, CA 94063

Dear San Mateo County Supervisors

Re: Community Climate Action Plan

Advisory Committee

Matthew Bahls
Tony Carrasco
James F. Cook
Urban K. Cummings
Marty Deggeller
Susan Ellis
Patricia Foster
Jeff Greenfield
Joe Hirsch
Leannah Hunt
Jeanne Kennedy
Carole Langston
Roy C. Leggitt, III
John McClenahan
Mary McCullough
Scott McGilvray
Dave Muffly
Brooks Nelson
Sally O'Neil
Geoff Paulsen
Sairus Patel
Nancy Peterson
Forest Preston, III
Elizabeth Schwere
Jeffrey Snyder
Jane Stocklin
Lauren Bonar Swezey
Jennifer Wei
Lanie Wheeler

We at Canopy wish to express our thanks for your leadership over the past two years through the COVID-19 pandemic. We appreciate the work to improve the quality of life for current and future generations. We're writing today to underscore the importance of a healthy tree canopy as an integral part of both climate resiliency and positive public health outcomes for County communities. We urge the County to move forward with and strengthen targeted investments in community resiliency programs and nature-based solutions identified in the updated Community Climate Action Plan.

Tree canopy cover is crucial to addressing climate change not only because trees absorb carbon. Trees also cool the ambient environment through both shading and evapotranspiration, reducing the urban heat island effect. Neighborhoods well-shaded with street trees can be up to 6-10 degrees cooler than neighborhoods without. This directly reduces energy use.

Tree canopy cover also provides a multitude of benefits that support community resiliency, sustainability, and harmony with the natural world around us. Trees are our first line of defense against extreme heat, storms, and air and noise pollution. Their shade and beauty promote cardiovascular and respiratory health by increasing physical activity, as well as positive mental health, reducing overall health costs in the community. Trees bring nature into what would otherwise be a concrete jungle, increasing habitat for wildlife. Finally, trees bring people together; trees give a neighborhood a distinct identity and point of pride.

We support the statement in the Community Climate Action Plan draft that it is imperative that equity be a major focal point for any climate change initiatives. We currently plant and care for trees in North Fair Oaks, where the canopy coverage is estimated to be at 13% versus 31% in neighboring Menlo Park. North Fair Oaks has the highest rate of walking and biking for transportation of all unincorporated San Mateo County, and also the most bicycle and pedestrian collisions per square mile, possibly due to a lack of safe infrastructure. The Active Transportation Plan for San Mateo County calls for multiple traffic calming

We envision a day when every resident of the Midpeninsula can step outside to walk, play, and thrive under the shade of healthy trees.

measures, as well as for a review of current policies. We support the proposed Community Climate Action plan call for the incorporation of tree planting into street revitalization projects. Streets lined with trees have been found to slow traffic, to promote walking, and to be safer for pedestrians.

We support the multiple County-adopted policies that call for the growth of the urban forest:

- In the Health and Wellness Chapter of the 2011 North Fair Oaks Community Plan, Policy 21E specifically calls for improvement of tree canopy coverage through the introduction of street tree programs.
- The Design Standard Chapter of the 2011 North Fair Oaks Community Plan calls for the integration of trees along new alleys and driveways (D8-4).
- Policy A2-8 in the 2011 North Fair Oaks Community Plan requires the installation of new tree wells with new construction projects.
- The Local Hazard Mitigation Plan identifies extreme heat as among the deadliest weather hazards and calls for the development of an urban heat island reduction program that includes an urban forest program or plan.

The County has already stated its commitment to growing the urban forest within its borders. With the addition of the Community Climate Action Plan, the County is strongly positioned to implement nature-based projects that will protect generations to come. We ask that County Supervisors and staff will consider the urban forest as an integral element of the Community Climate Action Plan and other policy documents in order to improve the County's livability, quality of life, sustainability, and climate resiliency.

Sincerely,



Maya Briones (she/her)
Canopy
Advocacy Associate
email: maya@canopy.org
cell: 669-250-4128

[Attachment](#): Trees and Health

GET YOUR DAILY DOSE OF TREES

for a healthy you and me



TREES HELP REDUCE SKIN CANCER.

- FACT** Shade from trees **reduces** exposure to **UV rays**, the primary cause of skin cancer.
- FACT** In **50% shade**, sunburn protection lasts **2.5 times longer** than when standing in direct sunlight.



TREES KEEP THE AIR CLEAN.

- FACT** Childhood **asthma** rates are **lower** in urban neighborhoods that have a higher density of trees.
- FACT** In **50 years** one tree provides **\$62,000** worth of air pollution control.



Trees and shrubs can reduce stressful noises by 50%.



Tree-lined streets encourage walking, helping meet daily exercise requirements.



TREES DECREASE MENTAL STRESS.

- FACT** Exposure to forests **decreases mental fatigue** by relaxing and restoring the mind, and lowers blood pressure and heart rate.
- FACT** Kids who play in nature are **more relaxed** and attentive, which **improves learning** and performance in school.



TREES PROMOTE HEALING.

- FACT** Nature helps patients **refocus their attention** and increases their pain thresholds, leading to **improved coping and healing strategies**.



TREES REDUCE HEAT STROKE AND HEAT EXHAUSTION.

- FACT** A tree's canopy and shade **reduce temperatures** by up to **20°F**.

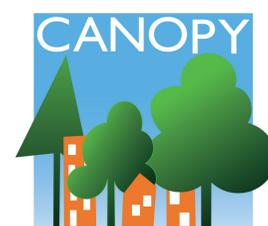


FOODS FROM TREES ARE HEALTHY TO EAT.

- FACT** Fruits and nuts are good for the body because they contain **antioxidants** that boost the immune system and **healthy fats** that decrease bad cholesterol.



KAISER PERMANENTE®



Lucile Packard
Children's Hospital
Stanford



Sutter Health
Palo Alto Medical Foundation

Written Public Comments
for **Item No. 14**

From: [Sukhmani Purewal](#)
To: [CEO BoardFeedback](#)
Subject: FW: Zmay Item: Support the unanimous denial by the SM County Planning Comm
Date: Friday, October 14, 2022 9:19:51 AM

From: Camille Leung <cleung@smcgov.org>
Sent: Friday, October 14, 2022 8:28 AM
To: Sukhmani Purewal <spurewal@smcgov.org>
Cc: Steve Monowitz <smonowitz@smcgov.org>; Janneth Lujan <JLujan@smcgov.org>; Chen <chenyben61@gmail.com>
Subject: Zmay Item: Support the unanimous denial by the SM County Planning Comm

Hi Sukhi,

This is comment for the Zmay Item on 10/18/22

From: Chen <chenyben61@gmail.com>
Sent: Thursday, October 13, 2022 9:47 PM
To: Camille Leung <cleung@smcgov.org>
Cc: parrottdrivecommunity@gmail.com
Subject: Support the unanimous denial by the SM County Planning Comm

CAUTION: This email originated from outside of San Mateo County. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.

To whom it may concern,

I am writing this email to address my concern about **Risky and Unsafe Development along 1100 block of Parrott Drive, San Mateo, California.**

I am a resident living on Parrott and I have been following this case for years. This development only brings safety concerns regarding landslides and stability of the slope, but also adds extra burden to the already risky Parrott Drive road condition.

Thus, I want to firmly support the unanimous denial decision made in the past.
Thank you!

From: [Janine Pin Yee Wong](#)
To: [Janneth Lujan](#); [Camille Leung](#); [CEO BoardFeedback](#)
Subject: Board of Supervisors Meeting 18Oct2022 - Zmay Minor Subdivision Project # PLN2014-00410
Date: Saturday, October 15, 2022 8:48:11 PM

CAUTION: This email originated from outside of San Mateo County. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.

RE: Appeal of the Planning Commission's denial of a Minor Subdivision Grading Permit, and Resource Management Permit for a proposed 3-lot subdivision, in the unincorporated Highlands area of San Mateo [Agenda Item on the 18-Oct-22 Board of Supervisors Meeting

Dear Board of Supervisors,

I am writing to inform you that we have gathered a total of 1,060 signatures on the petition to reject the Zmay subdivision located along the 1100 of Parrott Drive in the Baywood Park area of San Mateo. This subdivision is unsuitable for residential use due to steep slopes, severe erosion potential, susceptibility to mudslides/ landslides, exposure to fire, and inadequate sewage disposal capabilities. As such, the proposed subdivision does not meet applicable County Subdivision or Resource Management District Zoning requirements. All this information was communicated in the 250 letters submitted and multiple presentations at the July 12, 2022 Board of Supervisors meeting. This issue is no longer a concern of a few neighbors, but rather a larger community and therefore we strongly urge the San Mateo Board of Supervisors to reject the Zmay subdivision request and uphold the San Mateo Planning Commissioners unanimous decision to deny the proposed subdivision.

Thank you and Best Regards,
Pin Yee Wong
1111 Parrott Drive
The ParrottDrive Community

From: [Rafi Holtzman](#)
To: [CEO BoardFeedback](#)
Subject: Board of Supervisors Meeting 18Oct2022 - Zmay Minor Subdivision Project # PLN2014-00410- community voice - Selected quotes
Date: Saturday, October 15, 2022 9:35:28 PM

CAUTION: This email originated from outside of San Mateo County. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.

This is a copy of an email I sent to the supervisors to include in the records for the 10/18/2022 board of supervisors meeting.

----- Forwarded message -----

From: Rafi Holtzman <holtzone@gmail.com>
Date: Fri, Oct 14, 2022 at 11:58 PM
Subject: Zmay appeal - community voice - Selected quotes
To: David Canepa <dcanepa@smcgov.org>, <cgroom@smcgov.org>, <dhorsley@smcgov.org>, <dpine@smcgov.org>, <wslocum@smcgov.org>

Honorable president and supervisors,

I am asking you to listen to the community voices and deny the Zmay appeal.

I am attaching **selected quotes from the over 1060 people who signed our petition and over 250 emails** received from a wide range of people. These are not just neighbors from the immediate area but voices from communities all around San Mateo county. They are concerned about climate change, safety and impact of building at this dangerous location.

We talked to people at the Farmers Market, in front of Safeway and near the proposed development site. These are people from all around the county, old and young, who walk, jog or drive by and are worried about safety and future impact on the environment.

There are other safer locations on this lot that will allow the developer to build three houses, some right next to his existing house - We are not asking the developer not to build the three houses - we are asking to do it at a safer location. Considering this is zoned as a Resource Management zone we should strive to keep the intentions and spirit of this zoning and make sure it is safe for humans and nature which this location definitely does not.

I hope that all of you will unanimously send the message that safety is a critical element in our design for the future. That fire hazards and drought are the future we have to plan for and move this project to a location better suited for our current and future environment.

Please read some of these amazing responses,

Raphael Holtzman

Climate change will continue to bring more severe droughts, increased intensity of storm events, flooding, and landslides, as well as uncontrollable, devastating wildfires. All of these extremes are widely acknowledged as part of “California’s New Normal”. The 2020 CZU Lightning Complex Wildfire burned 86,000 acres and destroyed 911 homes in San Mateo and Santa Cruz Counties.

The County Board of Supervisors has taken the lead to address increased risks from climate change. The Supervisors now have a golden opportunity to demonstrate their commitment to the county’s “climate ready strategies” in this real life, consequential land use decision. We can’t — and shouldn’t — go back to business as usual when it comes to the safety of people and homes under California’s New Normal.

Sincerely,

Carolyn Crow

1512 La Mesa Ln Burlingame

This project was a bad idea from the start and it has not gotten any better.

Building on high severity wildfire zones is shortsighted. **Expecting to waste water to address that hazard is even worse. Nothing about this parcel has changed it's still just feet from in an active fault zone on an unsustainable slope and should not be allowed to endanger the public or neighbours.** The owner has other options that must be considered first.

Neighbours and residents of San Mateo County should not be expected to subsidise this indulgent project with valuable water and fire department resources.

As a former 3 term planning commissioner in neighbouring Belmont I am very familiar with the geography of these canyons. Belmont has mapped dozens of instability zones in San Juan and Hidden Canyon, just 1 mile away and on similar geography. Belmont has wisely banned development on these slopes to reduce public safety hazards and liability exposure.

Sincerely,

Kristin Mercer

I am writing to urge you to **uphold** the Planning Commission's **denial** of the above-referenced ("Zmay") subdivision. **I have lived near this property for over two decades and am intimately familiar with the fire and geotechnical risks in Crystal Springs Canyon.** The subdivision as proposed would create obvious and extreme risks to life and property.

Moreover, if allowed, the development as proposed would likely create long-term costs and liabilities for the county.

Again, I urge you to deny the appeal and affirm the Planning Commission's unanimous decision to deny the subdivision.

Sincerely,

Paul Saffo

Hillsborough

Climate change is increasing our risk of wildfire and landslides. The dangers to our emergency workers and the costs to our community can be reduced if we are smarter about where we allow new construction. Please uphold the unanimous decision of the Planning Commission to deny the proposed subdivision. The risks to people and property are too great; there are other less hazardous areas for the three new lots on this property.

Sincerely,

Barrie Moore

The board has a duty to keep buildings in the county safe from the effects of climate change, all of which will continue to get worse. Please uphold the unanimous and well thought out decision of the Planning Commission to deny the proposed subdivision. The risks to people and property are too great; there are other less hazardous areas for the three new lots on this property.

Sincerely,

Mary Helen McMahan

We hope that you will respect the unanimous decision of the Planning Commission

and reject the appeal from the Zmay Corporation for development of 3 parcels on Parrott Drive. **It is an extremely steep slope which will require obstructing the vital escape route of Parrott Drive in the event of wildfire in order to place the large equipment needed to even begin building.** It is an extreme fire danger area which is not demarcated for residential buildings. Thank you for considering all the other reasons as well to reject the appeal.

Sincerely,

Grace Hassid

As climate change continues to render our beautiful California at increased risk for erosion, fires, and numerous harms, we cannot take actions that will further compromise the safety and well-being of our citizens. The Zmay subdivision will dramatically increase our community's risk of adverse outcomes that will threaten the wellbeing and safety of many. When there are other suitable options for this proposed property that would not result in catastrophic endangerment of human life and housing security, how can we possibly take this risk?

We cannot. Please do what is right and uphold the Planning Commission's denial of the proposed subdivision on the grounds of promoting security and safety for our people and our property.

Sincerely,

Ramya Sampath

Why, oh why would you even consider building housing on this precipitous parcel? It is wholly unsuitable for various reasons, especially because of fire danger, think of the recent fire in Edgewood Park which threatened homes in Emerald Hills.

Further, although we have state mandates to increase our housing, **I wonder how life will be in the future with more residents and less water.**

Please uphold the unanimous decision of the Planning Commission to deny the proposed subdivision. The risks to people and property are too great; there are other less hazardous areas for the three new lots on this property. Thank you.

Sincerely,

Nancy Barnby

As an engineer, I have a pretty good eye for angles, but wanted to give them the

benefit of the doubt, so I got out and measured the slope of the hillside where the Zmay subdivision would place three houses. You might have seen pictures of me, taking those measurements. I came to understand, **they published the *average* slope over the whole property, which explains why the slope all the way at the top of the property is *way* steeper than their numbers suggest because their number is averaged with the rest of the property, including the safer location to build houses** (where they've already built some) down near the valley floor.

Why does this matter? Two reasons:

1. That slope is *steep* and loose. Driving pilings down to bedrock helps, but still seems like a huge risk. I had a difficult time getting back up that face, so I can only imagine a resident or their child trying to go for a dropped ball or other object down into the canyon below.

2. I don't trust a report that claims the build site will have a shallower slope than it actually will. That's either a mark of incompetence or deceit, and either way, I don't think you should trust them either. They're in it for the money, and don't care about the long term effects of their choices.

The planning commission got it right. Let's let their decision stand. Thanks for your time.

Sincerely,

George Jemmott

1669 Wolfe Dr San Mateo, CA 94402-2618

I know this property first hand and I know how steep those slopes truly are. That is no place for any family to be living. Would you buy one of those properties and have your family living there?

Bill Leikam

CEO and Co-founder

Urban Wildlife Research Project

With climate change, we will experience more severe weather that can cause landslides, and when the slides happen, taxpayers foot the bill for the infrastructure repairs.

This is not fair to taxpayers and can be avoided by not allowing this subdivision to go forward and others like it.

Sincerely,

Marty Jordan

Climate change has increased the probability that damaging events will occur in accident prone, more rural areas of the county. Now is the time to adopt a different mindset for the review/approval of this and similar projects in San Mateo County.

I urge the Board of Supervisors to deny the appeal of the applicants and support the Planning Commission's decision to deny the development on the hazardous "Zmay" property.

Sincerely,

Marsha Cohen

Resident, North Fair Oaks San Mateo County

There are too many negative factors impacting anything being built there.

Parrot Drive narrows where the plans are for the building and then the road begins to curve. The road is not wide enough for cars to be parked on both sides of the road and cars to be able to pass in each direction. This will inevitably cause accidents.

This will also cause even more traffic on Parrott Drive, since cars will have to pull over to allow for the 1 car that will be able to pass.

Pedestrians take their daily walks along this road, and in many areas, there are no sidewalks so pedestrians are forced to walk on the street. This will also be very dangerous.

That side of Parrott Drive is a high fire risk area.

It doesn't make sense to build there when there are safer places within their parcel (the bottom of the hill) to do so.

David and Anamarie Pesusic

homeowners of 1175 Parrott Drive

The Zmay company has acres of safer ground to develop at the bottom of the canyon. These won't have the spectacular views that will command premium prices, but will be a lot safer for the whole community.

Thank you for your consideration.

Sincerely,

Lois Aldwin

Looking deeper, **the land is subject to landslides, endangering both current and future residents now and in the future. The Polhemus landslide was a tremendous hazard, resulting in substantial taxpayer funds** to be used to correct and stabilise the existing homes.

The land is also mapped as a fire hazard – the terrain itself lends itself to a fire chute. There are also protected species on the property.

The San Mateo Planning Commission heard the community's concerns and turned down the project. Please do not overturn their decision. Here is the article from the San Mateo Daily Journal for details.

https://www.smdailyjournal.com/news/local/san-mateo-county-planning-commission-halts-60-acre-subdivision/article_628d2aaa-f1b1-11eb-b69d-ab48150ce5ed.html

Please note that we live about 6 blocks from the proposed development, so will not be affected directly. But, as good neighbours, we are concerned for their safety as well as potential fire hazards that could affect everyone.

Best regards,

MARY ANNE PAYNE, CPA

As you know the project's steep, densely vegetated slopes are highly vulnerable to catastrophic wildfire and this area is designated as Very High Fire Severity Zone.

The risks to both people and property are too great; there are other less hazardous areas for the three new lots on this property.

Sincerely,

Heide Hennen

I am a supporter of new housing in San Mateo. However I request that you uphold the unanimous decision of the Planning Commission to deny the proposed subdivision. New development that increases risks to nearby people and property must be rejected. Please respect the RM Zoning. Sincerely,

Al Palter

Among the many reasons to deny the proposed subdivision is the issue of climate change. **Climate change will continue to bring more severe droughts, increased intensity of storm events, flooding, and landslides, as well as uncontrollable, devastating wildfires. All of these extremes are potentially present in the area under consideration for construction.**

You have taken the lead to address increased risks from climate change. You now have a golden opportunity to demonstrate your commitment to the County's "climate ready strategies" in this real life, consequential land use decision. We can't — and shouldn't — go back to business as usual when it comes to the safety of people and homes under California's New Normal.

Thank you for your consideration of my letter urging you to uphold the County's Planning Commission's unanimous decision to deny this proposed subdivision.

Linda Liebes

Neighbours have not forgotten that these proposed lots are within the very same USGS mapped landslide area as the catastrophic Polhemus landslide of 1997. Local residents are already paying for that landslide in perpetuity. We have gathered more than 800 signatures of residents that support the denial of this project and are watching what is decided today.

We ask the Supervisors to support the Planning Commissioners' unanimous decision to deny this subdivision.

Thank you,

Liesje Nicolas

San Mateo Highlands Community Association, President

I whole heartily agree with the above statement. Again, **please let's be smart and actually make a decision on what is truly good for the property owners living on Parrott Drive, those driving and walking on Parrott Drive, animals and property. This area is not safe to build on.** Not to mention, fire danger, heavy traffic on streets (dump trucks), noise, dust, etc. I find this is already going on in the property by the large green water tank. What a mess that is! And, what about earthquakes....! No need to destroy every little bit of land there is left here!

Sincerely,

K Gonzales

Brush fires in canyons in Belmont, fires in Woodside and unincorporated hills of San Carlos and Redwood City already. Why take this risk ? More homes in unsafe territory are not worth the risk.

Sincerely,

Lisane Drouin

Please uphold the unanimous decision of the Planning Commission to deny the proposed subdivision. The risks to people and property are too great; there are other less hazardous areas for the three new lots on this property.

- The proposed site of the subdivision is located on very steep terrains that are highly susceptible to landslides and wildfires. Hence, **development in this location would pose an extreme danger to human and wildlife.**

- o This location has a history of active landslides. Residences directly across from this parcel on Parrott Drive have experienced **at least 5 landslides in the last 15 years (3 in 2006, 1 in 2011, and 1 in 2018), so landslides are NOT a Perceived but an ACTUAL Danger in this location!**

- o The proposed site of the subdivision is designated VERY HIGH Fire Severity Zone, the highest designation given by CA Fire & would **put future residents at this location as well as neighbours across from them and the surrounding area communities to extraordinary hazards from catastrophic wildfire(s).**

o It is our ethical responsibility to do everything we can to protect public safety and prevent placing more people and property at risk from these KNOWN HAZARDS!!! ... especially when there are safer alternative locations within the Zmay parcel for development.

- This property was designated as Resource Management District / OPEN SPACE zoning in the County General Plan (Section 6324.6) because of its steep and hazardous slopes which “pose severe hazards to public health or safety”. The design of the proposed subdivision is inconsistent with RM zoning regulations. The planning department staff report in no way demonstrates the proposed site is suitable for development as the appeal claims.

Sincerely,

Pin Yee Wong

The risks to people and property are too great; there are other less hazardous areas for the three new lots on this property.

Not appropriate land use. Beware of the Zmay project. Think more deeply before you act and prevent danger of fire and landslides.

Thank you for your attention to this matter!

Sincerely ,

Sue Bishop

San Mateo County resident

I am a 32 year resident of San Mateo County.

Please uphold the unanimous decision of the Planning Commission to deny the proposed Zmay subdivision. **The risks to people and property are too great; there are other less hazardous areas for the three new lots on this property.**

Sincerely,

Judith Murphy

I live nearby, and walk by the hillside regularly. It is so steep, and there are flatter sections closer to the bottom of the property.

Upholding the decision, and directing the Planning Department to work with the applicant to find less hazardous sites at the bottom of the property, seems common sense in this case. You wouldn't be telling the Zmays "NO"; you would be telling them to find a better, safer location elsewhere on their very large property.

Sincerely,

Donald Nagle

Again we find ourselves having to address a project that was already denied. I am not opposed to development but it must be responsible and this is not a

RESPONSIBLE PROPOSAL - You denied this application once before and it should be again denied completely.

SHUTE MIHALY
& WEINBERGER LLP

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WINTER KING
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October 14, 2022

Via E-Mail

Honorable Don Horsley, President
and Members of the Board of Supervisors
400 County Center
Redwood City, CA 94063
boardfeedback@smcgov.org

Re: Appeal of San Mateo County Planning Commission's Final Letter of Decision on the Proposed Subdivision at 1551 Crystal Springs, Grading Permit and Resource Management (RM) Permit (PLN2014-00410)

Dear Mr. Horsley and Members of the Board:

On October 18, 2022, the Board of Supervisors will once again take up the appeal of the Planning Commission's decision to deny the Proposed Subdivision at 1551 Crystal Springs (Project). On behalf of Green Foothills, we urge the Board to deny the appeal. As explained in our previous letter to the Board (attached hereto), the Planning Commission appropriately denied the Project and neither the applicant nor staff has provided a sufficient basis for overturning the Planning Commission's decision.

In particular, the Planning Commission's decision not to create new lots on extremely steep slopes in an area subject to severe fire risk is consistent with the County's ordinances. The decision is also consistent with the County's forward-thinking approach to climate change, which will only intensify fire risk over time and will make staff's proposed mitigation measures—including watering the site—infeasible. The Board should therefore uphold the Planning Commission's decision and findings.

In addition, the environmental documentation prepared in connection with the Project fails to comply with the requirements of the California Environmental Quality Act ("CEQA"), Public Resources Code § 21000 *et seq.*, and the CEQA Guidelines, California Code of Regulations, title 14, § 15000 *et seq.* ("Guidelines"). As a result, even

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if the Board disagreed with the Planning Commission's denial findings, it still could not approve the Project unless and until adequate environmental review is prepared.

Finally, we are attaching a short supplemental letter responding to comments made by the applicant's attorney at the previous hearing on this Project regarding the applicability of the Housing Accountability Act. In short, because the applicant is seeking only a land subdivision and has provided no plans for residential units at this time, the Housing Accountability Act does not apply.

For all of these reasons, which we elaborate on in the attached comment letter from July 11, 2022, and supplemental comment letter, Green Foothills supports the Planning Commission's denial of the Project and urges the Board of Supervisors to uphold that denial. Nevertheless, if the Board is inclined to grant the appeal, the appropriate next step would be to send the Project back to the Planning Commission for further consideration and environmental review, not approve the Project, as staff recommends.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP

A handwritten signature in blue ink, appearing to read 'Winter King', is written over the typed name.

Winter King

WK:WK

1575004.1

ATTACHMENT A

SHUTE MIHALY
& WEINBERGER LLP

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WINTER KING
Attorney
King@smwlaw.com

July 11, 2022

Via Electronic Mail Only

Honorable Don Horsley, President
and Members of the Board of Supervisors
County Planning and Building Department
455 County Center, Second Floor,
Redwood City, CA 94063
boardfeedback@smcgov.org

Re: Appeal of San Mateo County Planning Commission's Final Letter of Decision on the Proposed Subdivision at 1551 Crystal Springs, Grading Permit and Resource Management (RM) Permit (PLN2014-00410).

Dear Mr. Horsley and Members of the Board:

On behalf of Green Foothills, we submit this letter to express our legal opinion that: (1) the Planning Commission appropriately denied the proposed Minor Subdivision at 1551 Crystal Springs ("Project") and (2) neither the applicant nor staff has provided a sufficient basis for overturning the Planning Commission's decision. The Planning Commission's decision not to create new lots and thereby allow new development in an area subject to severe fire risk was consistent with the County's ordinances as well as its forward-thinking approach to climate change, which will only intensify fire risk over time and makes staff's proposed mitigation measures—including watering the site—less feasible. The Board should therefore uphold the Planning Commission's decision and findings.

In addition, the environmental documentation prepared in connection with the Project fails to comply with the requirements of the California Environmental Quality Act ("CEQA"), Public Resources Code § 21000 *et seq.*, and the CEQA Guidelines, California Code of Regulations, title 14, § 15000 *et seq.* ("Guidelines"). As a result, even if the Board disagreed with the Planning Commission's denial findings, it still could not approve the Project unless and until adequate environmental review is prepared.

For all of these reasons, which we elaborate on below, Green Foothills supports the Planning Commission's denial of the Project and urges the Board of Supervisors to uphold that denial. Further, if the Board is inclined to grant the appeal, the appropriate next step would be to send the Project back to the Planning Commission for further consideration and environmental review, not approve the Project, as staff recommends.

I. The Planning Commission Appropriately Denied the Proposed Project.

The Planning Commission made the necessary Findings of Denial ("Findings") providing reasoning and substantial evidence to support its decision to deny the Project, in accordance with County Ordinance Code Division VI, Part Two, Section 7013.3b. As detailed below, the Planning Commission found the proposed Project inconsistent with multiple Code provisions related to seismic safety and inconsistent with provisions in the State Board of Forestry and Fire Protection, and there is ample evidence supporting these findings.

First, the Planning Commission rightly expressed concern about the landslide on the site and related geologic hazards. As indicated in the findings, the Project design is inconsistent with County's Resource Management District Zoning Regulations due to inadequate setbacks from hazardous areas, placement of structures in areas that would result in risks to life and property to soils, geological and fire hazards, and development of a site susceptible to slides and severe erosion. Findings at items 1a,b, and c. This finding is supported by testimony presented at the July 28, 2021 Planning Commission meeting by Dr. Gary Trott. See, slide deck of the presentation attached as Appendix A referencing maps by the Association of Bay Area Governments Polhemus Landslide winter 1997/98 3rd year of wet rainfall, USGS 1997.

In his presentation, Dr. Trott presented maps depicting a known landslide area that traverses the proposed Project site and extends underneath Parrott Drive and is significantly larger than the parameters used for the Project's design. Appendix A at slides 2 and 4. He explained that the site has active subsurface hydrology flow that increases risks of geotechnical failure. Appendix A at slides 6-8. Dr. Trott also explained that the rock assemblage that underlies the site, the Franciscan complex, is comprised of a mixture of rock types, some hard, some soft (e.g., sandstone), and some ground (e.g., sand or gravel). Appendix B, "A Race Against Time" by Julie Mark Cohen, P.E., Principal; JMC Engrs., Troy, NY, Abstract available at <https://cedb.asce.org/CEDBsearch/record.jsp?dockey=0119376> and Appendix A at slide 5 and 9. The implication of this presentation is that Franciscan complex does not include bedrock, and thus the Project's pier footings could not be installed in bedrock. Appendix

A at slides at 3, 5, and 9. This information constitutes evidence in the record supporting the Planning Commission's findings.

Second, the Planning Commission found the proposed minor subdivision in violation of multiple regulations related to avoidance of landslide hazards and inconsistent with the California Public Resources Code ("PRC") related to fire safety regulations. Findings at items 2, 3, and 4. Specifically, the Project would conflict with PRC provisions due to the fact that proposed minor subdivision would allow lot configurations and a pattern of private ownership of land that would result in unsafe wildfire conditions (i.e., inability to hold future owners accountable for maintaining fuel loads such that a wildfire burning would not ignite structures, inability to maintain adequate defensible space, and due to installation of structures that cannot meet fire safety regulations). Public Resources Code § 4290 and 4291 and Findings at item 4. As Commissioner Hanson indicated at the August 25, 2021 hearing, any houses developed on the proposed parcels would likely require variances because they would not be able to meet the conditions required by the Public Resources Code. Planning Commission Hearing, July 28, 2021 hearing beginning at 3:07:00 and August 25, 2021 beginning at 1:04:42.

In addition, the Planning Commission found the proposed Project inconsistent with Resource Management zoning sections 6324.6(c) and 6324.6(f), which provides:

"No land shall be developed which is held unsuitable by the Planning Commission for its proposed use for reason of exposure to fire, flooding, inadequate drainage, soil and rock formations with severe limitations for development, susceptibility to mudslides or earthslides, severe erosion potential, steep slopes, inadequate water supply or sewage disposal capabilities, or any other feature harmful to the health, safety or welfare of the future residents or property owners of the proposed development or the community-at-large."

The Planning Commission found that the proposed subdivision is located on a portion of the property that is unsuitable due to exposure to fire, susceptibility to landslides, severe erosion potential, and steep slopes.

Moreover, the Project site is designated by Cal Fire as a Very High Fire Hazard Severity Zone (or "VHFHSZ") due to canyon topography and very steep slopes of 30-50 percent, which are covered with fire-prone vegetation. IS/MND at 2 and 36 and Letter from R. Moritz of Urban Forestry Associates, Inc. to L. Roberts of Green Foothills ("Urban Forestry Letter"), dated July 26, 2021, attached as Appendix C. The site is

adjacent to undeveloped open space lands that are heavily vegetated, which also increases fire risk. In addition, the site has “chimney” drainages that channel wind and superheated fire gasses up the hill, exacerbating fire spread and intensity. Urban Forestry Letter at 2, 5 and 6 and; National Wildfire Coordinating Group training materials at https://training.nwcg.gov/classes/S190/508Files/071231_s190_m2_508.pdf at pps. 1-8.

As explained in our prior comments, and in comments by fire behavior expert, Ray Moritz, these and other factors (such as wind) create additional safety risks. *See*, Urban Forestry Letter at Appendix C; <https://www.nps.gov/articles/wildland-fire-behavior.htm>, attached as Appendix D; <https://www.sbcfire.com/media-guide> attached as Appendix E; and <https://www.thebushfirefoundation.org/how-fire-behaves/> attached as Appendix F. *See also*, <https://firesafemarin.org/create-a-fire-smart-yard/topography/>.

As the climate changes and fire risk grows, Californians and San Mateo County residents and their neighbors are rightfully concerned about the risk of wildfire. With the state still recovering from the disastrous fires of the past four years, and with another summer of drought, heat, and potential wildfire risk forecast for 2022, decisionmakers must consider the role that increased development plays in the proliferation of wildfires, especially when that development encroaches into areas with canyon topography and dense, fire-prone vegetation. CEQA requires environmental documents to analyze the contribution of new projects to the risk of wildfire. The California Office of the Attorney General has noted that locating development in wildfire risk areas “will itself increase the risk of fire” and increase the risk of exposing existing residents to an increased risk of fire, citing a plethora of reports. Appendix G at 37.

In conclusion, “[T]his proposed development is an extreme risk to the potential residents and residences of the proposed development and significantly exacerbates the risk to the community as a whole.” *See*, Urban Forestry Letter at 6. As Commissioner Hansson stated, the proposed site has multiple constraints including (but not limited to) wetlands, sensitive species, groundwater flow, a failing sewer system, and steep slopes so that the site is overall not a good site for subdivision and development. Planning Commission Hearing, July 28, 2021 beginning at 3:07. The Planning Commission’s findings regarding natural constraints and natural hazards (i.e., unstable slopes and wildfire) is supported by the aforementioned evidence. Approval of the Project would set a precedent for development inconsistent with Resource Management Zoning policies regarding development on steep slopes and would go against County provisions to protect human health and safety.

Moreover, the applicant failed to exhaust on these issues because they failed to identify any problems with the findings during the Planning Commission hearing for the Project.

II. The Newly Proposed Conditions of Approval Will Not Remedy the Problems Identified by the Planning Commission.

After the Planning Commission denied the Project, staff and the applicant apparently developed three new conditions of approval related to the Project's fire risk.¹ These are: (1) that future owners of the new lots be required to irrigate vegetated areas downslope of future homes (at least 100 feet below the closes part of the structure); (2) that the applicant record a deed restriction establishing a non-combustible materials zone 5 feet around the footprint of any structure; and (3) that the owner record "open space easements" between structures on the new lots "to extend defensible space maintenance beyond property lines." These conditions, however, are unenforceable and do not address the problems identified in the Planning Commission findings.

First, it is wholly unclear whether future owners will be allowed to irrigate 100 feet below all structures, given the State's water supply issues and ongoing drought conditions. Thus, there is no guarantee that this condition will ever be enforced. Moreover, this condition shows how problematic development is in this area from a climate change perspective: If the County is relying on watering to make this development safe, it is clearly not designed to be resilient to our changing climate.

Second, the other conditions require "deed restrictions" and "open space easements" without any assurance that the County will be able to enforce these instruments. Without such assurance, these conditions are meaningless.

Third, these conditions would do nothing to address several of the code inconsistencies identified by the Planning Commission and discussed above. In particular, they do nothing to address the risks of landslides, which, in addition to the fire safety risks, led the Planning Commission to conclude the site was not suitable for development. It makes no sense to approve a subdivision where the lots could not be developed in compliance with existing development regulations.

Fourth, the Planning Commission had no opportunity to consider these new conditions. As a result, if the Board is inclined to grant the appeal, it must send the

¹ These conditions are described in the staff report provided to Green Foothills on June 18, 2022.

Project back to the Planning Commission to consider the effect of the conditions in the first instance.

III. Denying the Project Does Not Violate the Housing Accountability Act, Equal Protection, or Due Process; Nor Does It Constitute an Unconstitutional Taking.

a. The Housing Accountability Act Does Not Apply to the Denial of a Land Subdivision.

The Housing Accountability Act requires the County to make certain findings before denying a “housing development project” that is consistent with all applicable, objective, general plan, zoning, and subdivision standards and criteria. “Housing development project,” in turn, is defined as a use consisting of residential units only, certain mixed-use developments, and transitional or supportive housing. Govt. Code § 65589.5(h)(2). The project at issue here, however, is a land subdivision in a Resource Management zone; as discussed at the Planning Commission hearing, no residences were proposed as part of the project. As a result, the Housing Accountability Act simply does not apply.

Even if the Housing Accountability Act did apply, however, the Planning Commission’s denial would still be proper. Pursuant to Government Code Section 65589.5(j)(1), a local agency may deny a housing development project, even if it complies with applicable, objective, general plan, zoning, and subdivision standards and criteria, if it would have “a specific, adverse impact upon the public health or safety,” and there is no feasible method to mitigate or avoid the impact other than disapproval of the project. A “‘specific, adverse impact’ means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies or conditions.” Govt. Code § 65589.5(j)(1)(A).

The Planning Commission made these findings in Paragraph 4 of its Findings of Denial. There, the Commission cited to “objective, identified written public health or safety standards,” i.e., Public Resources Code section 4291(a)(1)(A), which require landowners to “maintain defensible space of 100 feet from each side and from the front and rear of the structure” such that “a wildfire burning under average weather conditions would be unlikely to ignite the structure.” The Commission further found that the proposed Project would be inconsistent with these standards, “making the area less safe from possible wildfires.” Given the record for the Project, that finding is amply supported by evidence of wildfire in the area.

Moreover, Government Code section 65589.5(e) specifically provides that nothing in the Housing Accountability Act relieves the local agency from complying with CEQA. As discussed below, the IS/MND did not provide adequate analysis or mitigation of environmental impacts, and for that reason too the County may lawfully deny the proposed Project.

b. Denial of the Project Does Not Violate Equal Protection.

The Applicant's argument that the Planning Commission violated the Equal Protection clause of the Constitution is without merit. The Applicant asserts it has a viable "class of one" equal protection claim under *Village of Willowbrook v. Olech* (2000) 528 U.S. 562. California courts require plaintiffs asserting such a claim to show all of the following: (1) the plaintiff was treated differently from other similarly situated persons; (2) the difference in treatment was intentional; and (3) there was no rational basis for the difference in treatment. *Squires v. City of Eureka* (2014) 231 Cal.App.4th 577, 594; *Genesis Environmental Services v. San Joaquin Valley Unified Air Pollution Control Dist.* (2003) 112 Cal.App.4th 597, 604.

The Applicant cannot show it was treated differently from similarly situated persons. Plaintiffs attempting to satisfy this element must show the level of similarity between them and the persons with whom they compare themselves is "extremely high." *Squires*, 231 Cal.App.4th at 594 (quoting *Neilson v. D'Angelis* (2nd Cir. 2004) 409 F.3d 100, 104). Put another way, the plaintiff and the persons being compared must be "prima facie identical in all relevant respects." *Id.* at 595 (quoting *Racine Charter One, Inc. v. Racine Unified School Dist.* (7th Cir. 2005) 424 F.3d 677, 686).

To prove the Applicant was treated differently from other similarly situated persons, the Applicant points to four subdivisions the County approved within the last twenty years. The Applicant asserts these subdivisions are "in the immediate or general vicinity of the Project site." The only similarities noted here are that the Project and the four subdivisions are all subdivisions, and the four subdivisions are relatively close to the Project site. But the differences far outweigh the similarities. For instance, the Highlands Estates Subdivision located approximately a mile and a half away from the Project site, is located on moderate slopes that are much less steep than the Zmay site. The Ascension Heights Subdivision (a.k.a., Water Tank Hill), is designated and zoned for single-family residential use, which is clearly distinguishable from the subject property, which is designated Open Space and zoned Resource Management District. Similarly, the Jefferson Avenue Subdivision and Cordilleras Subdivision, both located several miles away from the Project site, are both sites are designated and zoned for residential uses. Importantly, *none* of these four subdivisions connect to a failing sewer that the County

has admitted is a serious problem. Applicant thus falls short of showing the Project is “prima facie identical in all relevant respects” to these four subdivisions, particularly by failing to explain why the Project is similar to the four subdivisions in regards to seismic safety, wildfire, and sewer connectivity issues.

Even in the unlikely event the Applicant could show the Project is similarly situated to the four other subdivisions, the Applicant cannot show that the Planning Commission lacked a rational basis for treating the Project differently. Under the rational basis test, courts must presume the constitutionality of the government action where it is “plausible that there were legitimate reasons for the action.” *Las Lomas Land Co., LLC v. City of Los Angeles* (2009) 177 Cal.App.4th 837, 859 Proving the absence of a rational basis is “exceedingly difficult.” *Id.* In circumstances involving complex discretionary decisions, as here, the plaintiff’s burden “may be insurmountable.” *Id.*

As discussed above, the Planning Commission articulated several legitimate reasons for refusing to approve the Project. These include, but are not limited to, severe landslide risk and wildfire safety issues. The Planning Commission thus had a rational basis for disapproving the Project. Therefore, even if the Applicant could somehow prove the Project is similarly situated to the other four subdivisions, the Applicant does not have a viable equal protection claim.

c. The Planning Commission’s Denial of the Project Did Not Violate Due Process.

The Applicant’s assertion that the Planning Commission’s refusal to approve the Project violates due process is also without merit. The Applicant claims the County violated its substantive due process rights when it irrationally and arbitrarily denied the Project. As discussed at length above, the Planning Commission’s denial was based on sound reasoning and evidence, including evidence of significant landslide and wildfire issues, among others. The Planning Commission made its decision based on substantial evidence demonstrating approval of the Project would violate numerous Zoning and Subdivision Regulations, in addition to state fire safety regulations. Thus, its decision was not irrational or arbitrary, but based on evidence analyzed in the context of applicable regulations.

The situation here is distinguishable from that presented in the case the Applicant principally relies on, *Arnel Development Co v. City of Costa Mesa* (1981) 126 Cal.App.3d 330. In *Arnel*, the City approved the plaintiff’s project, which consisted of single-family dwellings and multi-family dwellings aimed at providing moderate income housing. *Id.* at 333-4. Then, voters in the City enacted an initiative ordinance that

changed the zoning for the project site and surrounding area to solely allow for single-family residences. *Id.* at 334. As both the trial and appellate court found, the voters' motivation was to specifically prevent the plaintiff's development project and generally disallow moderate income housing in the area. *Id.* at 335-6. Because the ordinance was enacted without considering applicable zoning or planning criteria, and solely motivated by opposition to moderate income housing, the court invalidated the ordinance as arbitrary and irrational. *Id.* at 336-7.

Here, in denying the Project, the Planning Commission cited the Project's inconsistency with multiple Zoning and Subdivision Regulations, in addition to state fire safety regulations. Thus, the Planning Commission denied the Project *because of* applicable zoning and planning criteria, not despite such criteria. The Planning Commission's action is therefore entirely distinct from the invalid initiative at issue in *Arnel*.

The Applicant points to the County's approval of four other subdivisions, discussed above, as further evidence of the Planning Commission's irrational and arbitrary action. However, the County's approval of these other subdivisions proves the opposite of what the Applicant believes it does. Unlike the voters in *Arnel*, who were against all low and moderate income housing development in the area, regardless of whether the project poses health and safety risks or is consistent with governing codes, the County is clearly not opposed to all residential development in the area. That the County has approved other, larger subdivisions, but refused to approve this particular Project, demonstrates the Planning Commission's concerns regarding site-specific landslide risk and wildfire safety are genuine and legitimate. Therefore, the Planning Commission's action was not arbitrary or irrational, and the Applicant's due process claim is without merit.

d. Denial of the Proposed Subdivision Does Not Constitute an Unconstitutional "Taking."

The Planning Commissions' denial of the Project did not constitute an unlawful taking. The Planning Commission's action did not result in a physical invasion of the Applicant's property. Thus, Applicant has no actionable claim for an unconstitutional taking under *Loretto v. Teleprompter Manhattan CATV Corp.* (1982) 458 U.S. 419. In addition, the Planning Commission outright rejected the Project; it did not approve the Project subject to any conditions. Therefore, the Applicant also has no actionable claim under *Nollan v. California Coastal Commission* (1987) 483 U.S. 825 and *Dolan v. City of Tigard* (1994) 512 U.S. 374.

Also, the Planning Commission's refusal to approve the Project has not deprived the owner of all economically beneficial use of the land. As the Applicant concedes, even if the Project cannot be built, the Applicant can still lawfully develop one residential lot on the Project site. *See* Letter from M. Francois, on behalf of the applicant, to the Board of Supervisors dated January 5, 2022, pgs. 11-12 (“Based on the Planning Commission’s action, the applicant can have only one residential development lot instead of four.”) Therefore, the Applicant has no actionable claim under *Lucas v. South Carolina Coastal Council* (1992) 505 U.S. 1003. In fact, the applicant has already reaped substantial economic benefits through ownership of the existing 3,800 square-foot, five bedroom house and by selling a portion of the property to the Odyssey School.

The Applicant also has no viable takings claim under the multi-factor test set forth in *Penn Central Transp. Co. v. New York City* (1978) 438 U.S. 104. Under this test, a reviewing court primarily considers three factors: (1) the economic impact of the regulation on the owner; (2) the extent to which the regulation interferes with the property owner’s distinct investment-backed expectations; and (3) the character of the governmental action. A *Penn Central* taking only occurs where the government action at issue reflects “the functional equivalent of a traditional taking.” *Small Property Owners of San Francisco v. City and County of San Francisco* (2006) 141 Cal.App.4th 1388, 1396. The burden on the petitioner to show a *Penn Central* taking is onerous, and a reviewing court will only find such a taking in an “unusual circumstance.” *California Building Industry Assn. v. City of San Jose* (2015) 61 Cal.4th 435, 462.

The Planning Commission’s denial of the Project does not present an “unusual circumstance” that constitutes an unconstitutional taking under *Penn Central*. *Id.* As discussed above, the Applicant can still lawfully develop a residential lot on the Project site. Thus, the economic impact of the Planning Commission’s action does not reflect “the functional equivalent of a traditional taking.” *Small Property Owners, supra*, 141 Cal.App.4th at 1396. Further, the Project site is located in the SRA VHFHSZ and in an area that is prone to landslides. It has also been zoned Resource Management for years – it is our understanding that that the site was zoned as part of the general rezoning of thousands of acres in 1973 (Ordinance No. 2229 - December 29, 1973). The Resource Management Zoning designation includes strict maximum limits² relating to “use, density and intensity of development ensure that development is consistent with levels of services which reasonably can be provided, will conserve natural features and scenic values, and

² The Resource Management Ordinance specifies that these provisions are maximum limits and, where applicable, more restrictive requirements can be imposed. San Mateo County Zoning Regulation § 6314.

that areas hazardous to development or life are left in open or limited use.” San Mateo County Zoning Regulation § 6314. Therefore, the Applicant could not reasonably expect to extensively develop the property, particularly as the risk of wildfire increases substantially each year. Lastly, the Planning Commission has articulated serious, legitimate concerns about the landslide and wildfire risk associated with the Project. Thus, all three *Penn Central* factors weigh against an unconstitutional taking.

IV. Even If the Planning Commission Had Not Denied the Project Outright, the County Would Have Been Obligated to Prepare an Environmental Impact Report Compliant with CEQA.

As we explained in our prior comments, the Initial Study/Mitigated Negative Declaration (“IS/MND”) prepared in connection with the proposed Project is legally inadequate under CEQA. *See*, Letter from W. King at SMW on behalf of Green Foothills to E. Adams, Project Planner regarding the IS/MND, San Mateo County (“SMW Comments on the IS/MND”), dated February 24, 2020. The IS/MND lacks the necessary evidentiary support for its conclusions that the Project will not have adverse impacts to land use, utilities and service systems, water quality, and wildfire hazards, among others. In fact, there is ample evidence in the record to support a fair argument that the Project will have significant environmental effects not analyzed or even acknowledged in the IS/MND. *Id.*

An agency must prepare an EIR whenever it is presented with a “fair argument” that a project may have a significant effect on the environment, even if there is also substantial evidence to indicate that the impact is not significant. *See No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68; *see also Friends of B Street v. City of Hayward* (1980) 106 Cal.App.3d 988; Guidelines § 15064(f)(1). Where there are conflicting opinions regarding the significance of an impact, the agency must treat the impact as significant and prepare an EIR. *Stanislaus Audubon Society v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 150-51; Guidelines § 15064(f)(1).

Here, the Project is inconsistent with County General Plan policies and County Code provisions designed to protect the environment. For example, to protect against loss of life, injury, damage to property, and other serious consequences, the County’s General Plan, Policy 15.20(b), directs the County to “avoid construction in steeply sloping areas (generally above 30%)” “[w]herever possible.” Policy 15.20(a) further directs the County to avoid siting structures in “areas where they are jeopardized by geotechnical hazards, where their location could potentially increase the geotechnical hazard, or where they could increase the geotechnical hazard to neighboring properties.” *Id.* Finally, Policy 15.20(d) provides that the County may allow development “in geotechnically hazardous

[areas] and/or sloping areas” only “[i]n extraordinary circumstances when there are no alternative building sites available.” Id. The County has substantial evidence in the record indicating that development of the site would take place on slopes steeper than 30%, in violation of General Plan, Policy 15.20(b). Similarly, the Project is also inconsistent with Resource Management zoning sections 6324.6(c) and 6324.6(f), which provide that land held to be unsuitable for development by the Planning Commission due to exposure to hazards shall not be developed.

Further, the Planning Commission was unable to find “extraordinary circumstances” regarding alternative building sites. This is likely because the applicant did not submit a feasibility analysis disclosing the conditions of the “remainder parcel” and other areas on the property. What information the applicant submitted pointed only to the additional costs of developing other areas of the property; however, the applicable General Plan provisions do not address economic feasibility. In addition, while County staff claim that the proposed Project “would develop the portion of the parcel which is most consistent with County development policies,” this statement appears to ignore the fact that the Project is still inconsistent with the County General Plan and Zoning Code. Planning Commission Staff Report, August 25, 2021 at pdf page 17. Moreover, the alternative site that the applicants claims is undevelopable is located adjacent to the existing residence. Therefore, the applicant failed to demonstrate that alternative, less steep sites are infeasible. The IS/MND failed to adequately analyze these inconsistencies with County regulations. If it had, it would have concluded that these impacts are potentially significant, triggering the need to prepare an EIR. And any EIR prepared for the Project would have to consider as an alternative development of the 9-acre remainder parcel.

In another example, the IS/MND fails to describe the existing hydrological setting and fails to evaluate the Project’s impacts on water quality. IS/MND 9 and 10. Given the extremely steep terrain of the proposed site and the fact that the Project would involve substantial, grading, the IS/MND should have thoroughly analyzed the potential impacts of erosion and siltation on water quality in area waterways. Id. This analysis should include a discussion of existing conditions, including conditions of receiving waters, which form a baseline from which to evaluate the Project’s impacts. The IS/MND failed to include this analysis.

On a related topic, the IS/MND fails to adequately analyze the impacts associated with the Project’s increase in sewage inflow and infiltration into the District’s system. The recirculated IS/MND revised a mitigation measure to require the Project to implement sewer pipe upgrades to address peak wet weather capacity. IS/MND at 2, 8,

12, 16, 29 and 53. However, the IS/MND never describes baseline conditions, calculates the Project's wastewater flow, or provides details about the required upgrades.

Under CEQA when evaluating the significance of a project's impacts, an EIR may not "compress[] the analysis of impacts and mitigation measures into a single issue." *Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645, 656. Here, the IS/MND never acknowledged the Project's potentially significant impacts to water quality, but rather jumped straight to identifying mitigation. Without a significance finding, the IS/MND cannot adequately identify mitigation for the impact. As was the case in *Lotus*, the IS/MND's failure to evaluate the significance of the Project's impacts separately from what is effectively its proposed mitigation (implementation of sewer system upgrades), does not withstand scrutiny. More specifically, by conflating impacts and mitigation, the IS/MND fails to consider whether there may be other more effective mitigation options, thereby omitting information that is necessary for the informed decision-making and public participation that CEQA requires. See *id.* at 658; see also *San Franciscans for Reasonable Growth v. City & County of San Francisco* (1984) 151 Cal.App.3d 61, 79 (EIR is inadequate if it fails to identify feasible mitigation measures).

In addition, many of the mitigation measures proposed in the IS/MND are inadequate and will not address the Project's significant environmental impacts. Rather, the IS/MND defers analysis and mitigation, substantially understating the severity and extent of a range of environmental impacts. For instance, because the IS/MND fails to adequately analyze wildfire hazards it also fails to identify appropriate mitigation. Instead, the IS/MND says only that it will comply with CalFire's materials list for construction. IS/MND at 33 and 34.

For all of these reasons, should the County disagree with the Planning Commission's bases for denial, it would nonetheless need to send the Project back to the Planning Commission and require preparation of an EIR in compliance with CEQA prior to taking any further action on the Project. The EIR must thoroughly analyze the impacts related to the topics summarized here and others that could result in significant environmental impacts. In addition, the EIR must identify and analyze appropriate, feasible mitigation and/or alternatives to avoid or minimize significant impacts.

V. Conclusion

As set forth above, the Planning Commission appropriately denied the proposed Project, based on substantial evidence in the record. The three new conditions proposed by staff do not change the Planning Commission's findings. Moreover, contrary to the appellant's suggestion, denial did not violate the Housing Accountability Act (which is

inapplicable), equal protection, or due process. Nor did it constitute an unlawful taking. If the Board is inclined to grant the appeal, it must send the Project back to the Planning Commission for consideration of the new conditions and preparation of an EIR.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Winter King

WK:CB

Appendices

Appendix A: Slide Presentation to Planning Commission at July 28, 2021 meeting by Dr. Gary Trott.

Appendix B: Julie Mark Cohen, P.E., Principal *A Race Against Time*, JMC Engrs., Troy, NY, Abstract available at <https://cedb.asce.org/CEDBsearch/record.jsp?dockey=0119376>

Appendix C: Letter from R. Moritz of Urban Forestry Associates, Inc. to L. Roberts of Green Foothills (“Urban Forestry Letter”) dated July 26, 2021.

Appendix D: National Park Service website, Wildland Fire Behavior, accessed April 1, 2022.

Appendix E: Santa Barbara County Fire Department website, accessed April 1, 2022.

Appendix F: The Bushfire Foundation website, Fire Behavior, accessed April 1, 2022.

Appendix G: Letter from N. Rinke, Deputy Attorney General to Monterey County Planning Commission, regarding Paraiso Springs Resort, dated March 20, 2019.

cc: Lennie Roberts, Green Foothills

APPENDIX A

Public Comments

By Dr. Gary Trott, Ph.D.

28-July-2021

SMCounty RM Zone Ref. Sections – 6324.2(f), 6324.4(c)(f)(h), 6324.6(c)(f), 6325.4(b)(d), 6325.6(c)(f) 6326.4(b)(c)

Do not build on hazardous(risky) sites impacting People, Property or the Environment. Or disturb the ground water, natural flow patterns for recharging wetlands when other less hazardous sites exist.

Outline of Concerns:

The subdivision geotechnical design is deficient in protecting people, property and environmental surroundings because it fails to incorporate critical geological and hydrology elements into the design.

- I. The assumption of “bedrock” for the stitched pier, secure foundations is false
- II. The hazardous landslide area extends outside the parcel boundaries and has not been addressed.
- III. The project site has active, sub-ground hydrology.
 - Increasing the failure for the Geotech design.
 - Also creates construction hazards to the federally protected wetlands
- IV. Summary: The cost of the associated **risk** for the public, property, and environment is **too high**.

My Premise:

*** If it is not formally documented, it does not exist . Verbal comments will be forgotten over time.

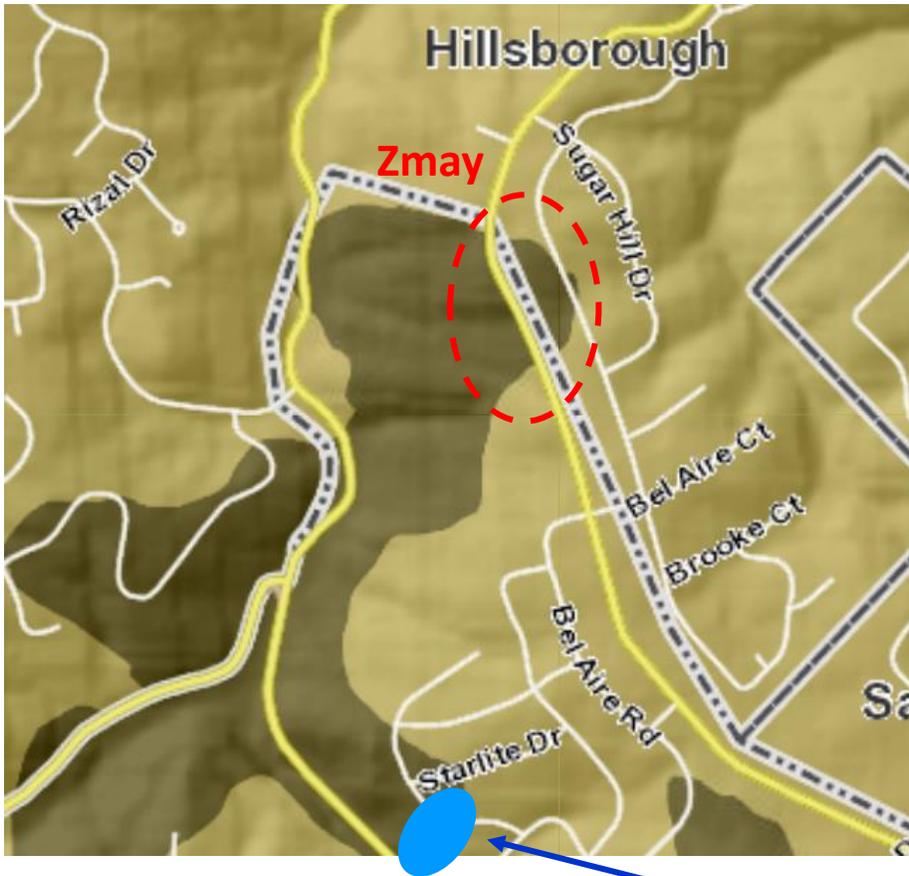
*** Z Enterprises LP ought to be allowed to create three buildable lots following RM zoning ordinances. But not at the expense of endangering nearby public persons, structures, or the environment

Landslides in SMCCounty: Geological next-door parcel

Landslides do not respect or stop at parcel boundaries: What can we learn from history?

Past and Future Landslides do cross Parrott Dr.

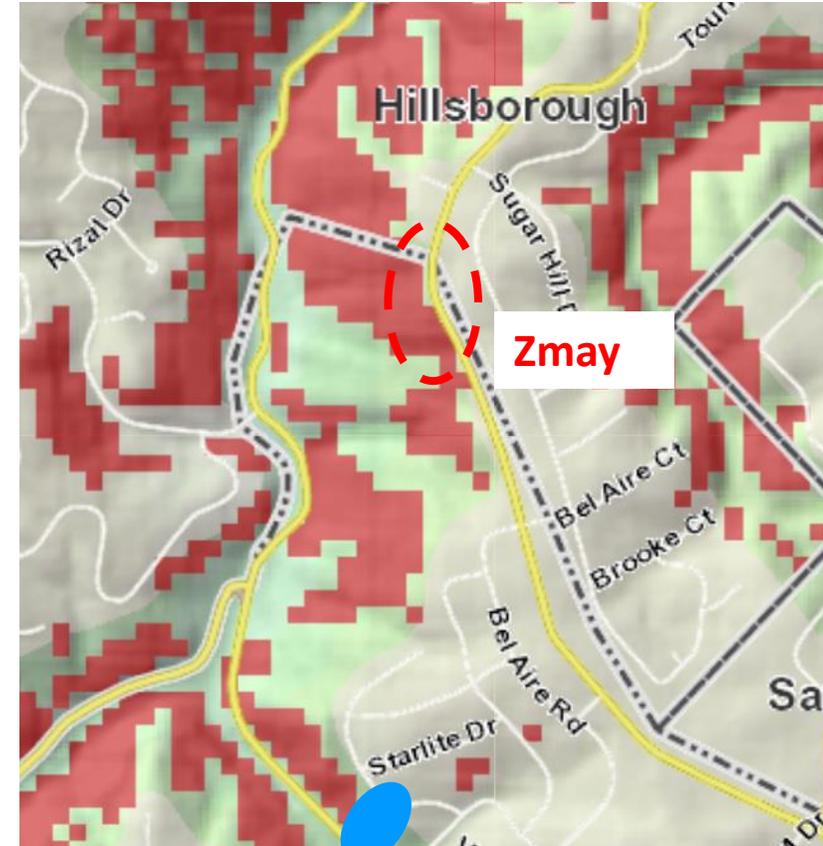
➔ Hazard to Public Neighbors! !



Polhemus Landslide winter 1997/98

Potential rainfall induced Land Slides

Note some areas are safer. But not the chosen sites.



3rd year of wet rainfall

Maps by Assoc. of Bay Area Governments Resilience hazards.

<http://gis.abag.ca.gov/website/Hazards/?hlyr=debrisFlowSource> 2018

Ref: USGS 1997 <https://pubs.usgs.gov/of/1997/of97-745/sm-sef.pdf> Summary of landslide flows + slope. Where the is one, there will be more.]

web site <https://mtc.maps.arcgis.com/apps/webappviewer/index.html?id=4a6f3f1259df42eab29b35dfcd086fc8>

Zmay project used 1973 maps [Attacj K-L pg34

GeoTechnical Failures: Historical learnings from next parcel

Polhemus landslide, during 3rd heavy winter rain season 1997/98

- Failures are not due to lack of good engineering, but lack proper engineering for *risk analysis and mitigation*.

Polhemus Design*

- i) Followed “Industry GeoTech Standards”
 - ii) Piers 3ft diameter and ~depth 30ft
 - iii) Bore holes had water**
** red flag warning
- ➔ All are same as Parrott Dr. Design
- iv) \$25M dollars of damage



Non-expert, Failure Observations

- Piers did not break
- Piers slid or tipped over
- Pier bottoms were *not* in “bedrock”

~ Some piers installed deeper than spec. design

- Piers “CA Surfing” on mud See Geo. defn: Franciscan Complex next pages

Conclusion: I) Design assumption of “bedrock” for stable pier foundation is ***False***. Not valid.

* Ref [Ms. Sherry Liu old SMC planning files]

To learn more see. <https://www.sfgate.com/bayarea/article/S-F-San-Mateo-Counties-Settle-Suit-Over-Mudslide-3003517.php>
or *Civil Engineering*—ASCE, 1999, Vol. 69, Issue 11, Pg. 52-55

Area of Parrott Dr. potential slide material approx. 2x or 3x larger than design
Up hill Volume 4x or 9x **II) Significantly Larger potential area than design parameters**

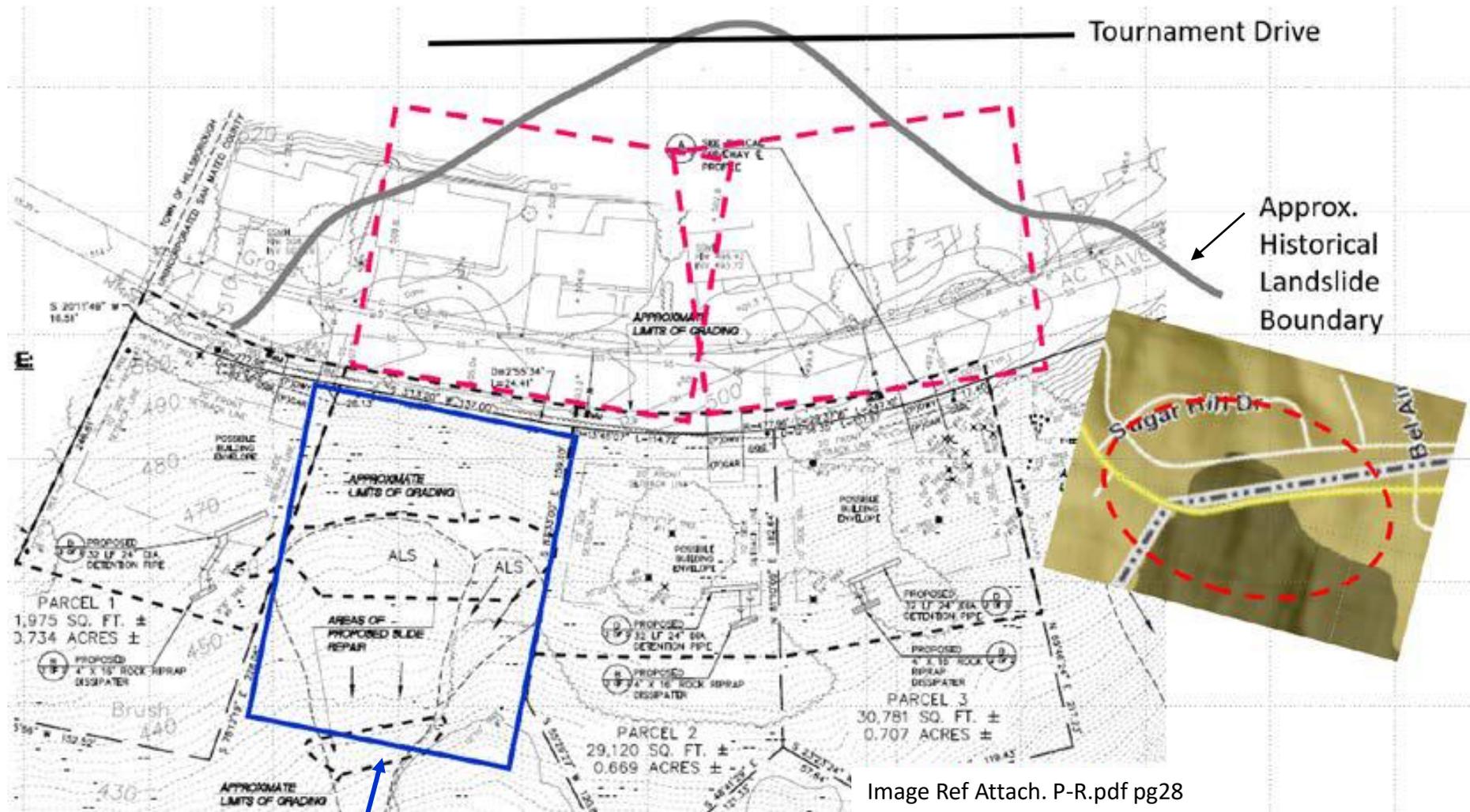


Image Ref Attach. P-R.pdf pg28

Design volume: 160 ft x 200 ft x 10 ft thick

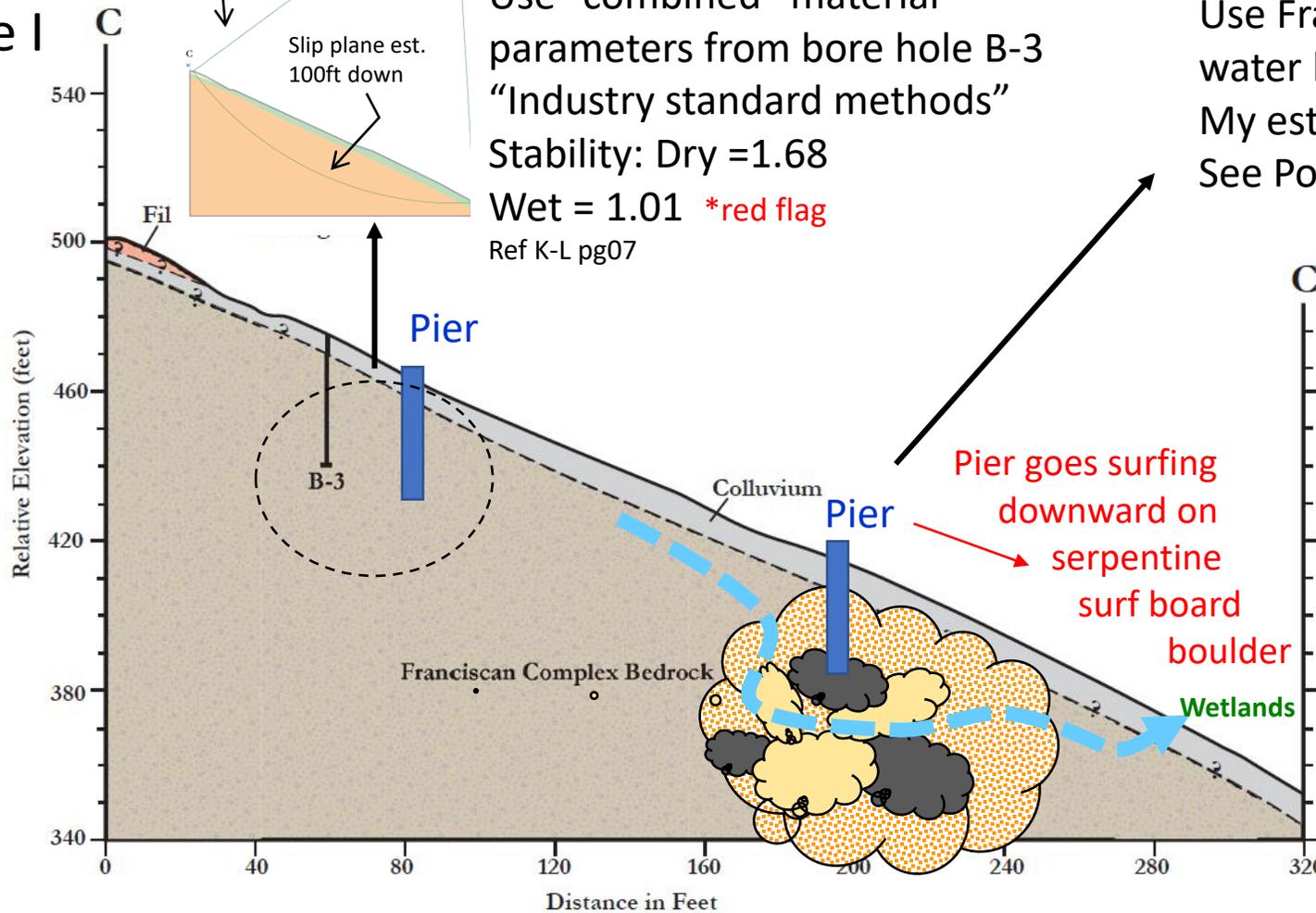
Ref [Murry Eng 9/28/2018 Supplemental Recommendations Stitched Pier Retaining Walls.]

Franciscan complex vs hill stability calculations: Incorrect geotech approach.

Hill is unstable if Geotech calculations < 1 . But, a chain is only as strong as the weakest link => Use weakest rock instead when water is lubricating hill slide. See Ref: [SMCounty Grading Permit Handbook 2006 pg11 \(c\)\(4\)](#)

Project used

Case I



Use "combined" material parameters from bore hole B-3
 "Industry standard methods"
 Stability: Dry = 1.68
 Wet = 1.01 *red flag
 Ref K-L pg07

Case II by me

Use Francian Complex "weak link" water lubricated sand.
 My est. **Stability < 1**
 See Polhemus land slide

Pier goes surfing downward on serpentine surf board boulder

- Boulders examples - simplified
- Hard: serpentine or basalt
 - Soft: sandstone
 - Geo-ground to fill voids: Sand, gravel, dirt
 - Water flow path (lubrication)

Francian Complex is like "packed cookie crumbs" of boulders from many different cookies. Due to plate tectonics

Parrott Dr. site hydrology

Ground water does not stop at uphill parcel boundaries. Found deep in bore holes

Red Bore holes completed Oct 2 2007

<u>Bore hole</u>	<u>Moisture depth</u>
B1	24 ft
B3	10 ft
B10	10 ft

** 2006/7 was a dry winter

Black Bore holes

All completed Dec. 20, 2013

** 2013 Dry year, but December rains?

B1, B3, B5 All have surface moisture

B4 33 ft

B6 33 ft

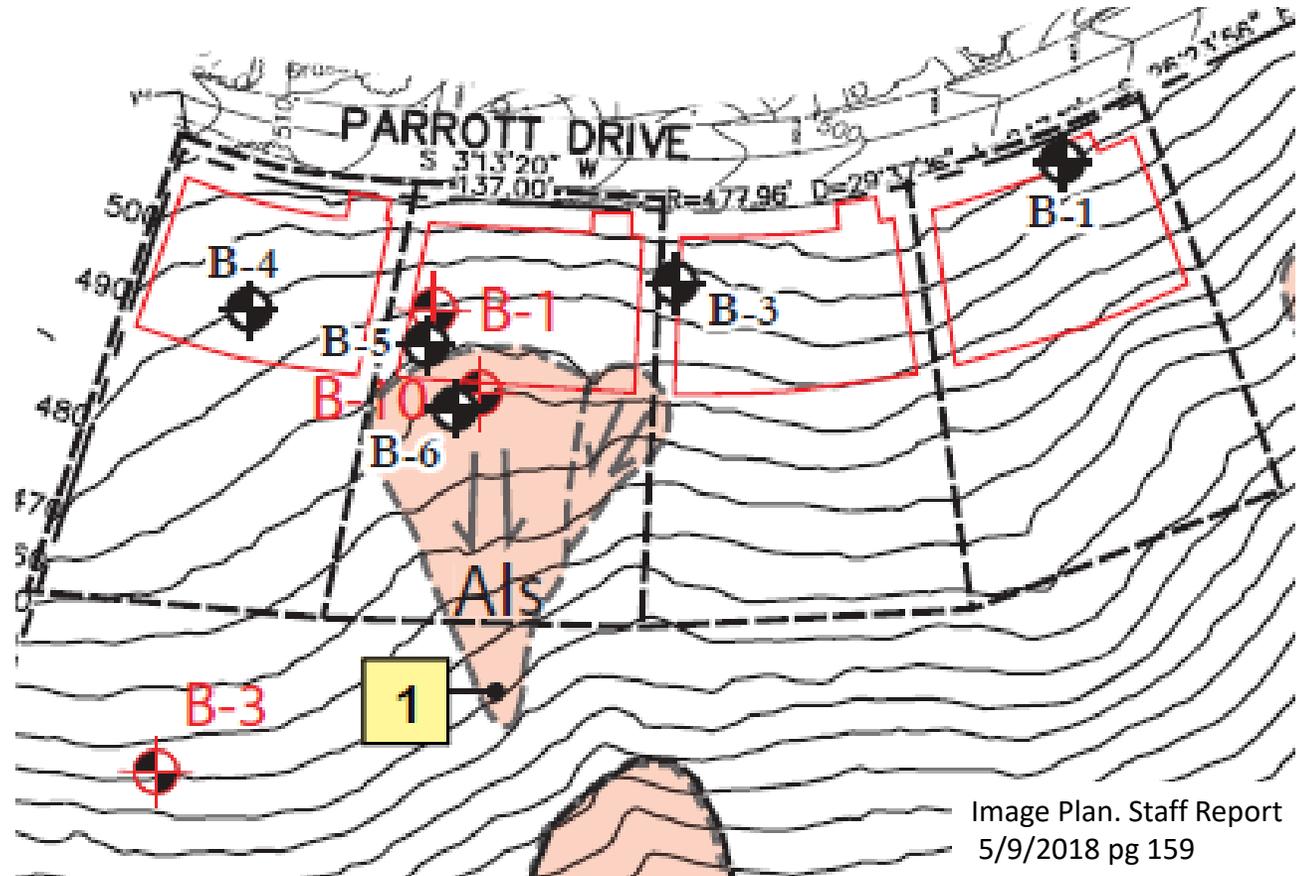


Image Plan. Staff Report
5/9/2018 pg 159

- ➔ No ground water table on a hill side. Why is there water greater than 20ft down? ** Red Flag??
- ➔ Parrot Pier depths 20ft -34ft** depending upon Civil Engineer (Same as Polhemus) **Water is at bottom of piers**

You don't need a weatherman to know which water flows! Just Look! !

Hydrology flow & wetland+slide hazards

Below ground water flow is evident going down the parcels to wetlands
Wetlands have survived droughts > 40yrs and need to in the future

↓ = Houses with backyard surface landslides

☐ = Dry Wells after landslide repair + permit

→ Federal protected, **Wetlands**
Water in bore holes + Elderberry bushes verifies, wetlands are fed from ground water flow along natural swales

→ And flow is increasing. The old 1950's Hillsborough subdivision drainage P.U.E. ditch is plugged (**Orange**)

Water flow dismissed as "nuisance water" from irrigation, leaky pipes, & street storm water.

Ref: Zmay F-J pg17, and M Cotton and Shires



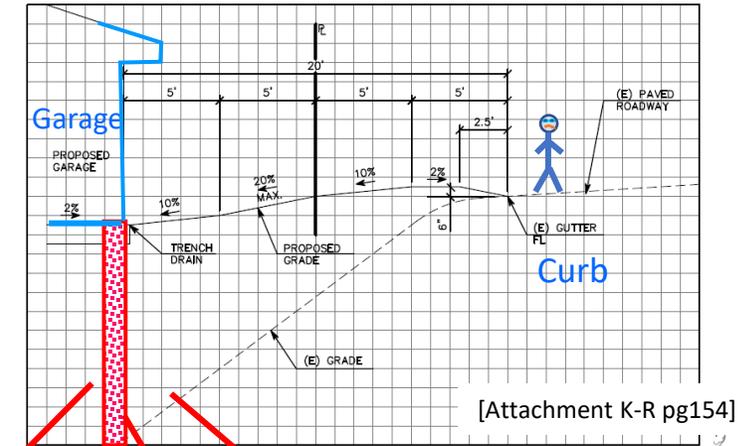
Black boundaries = Recent landslides

Wetlands, (white speckle area)

Consequences: Zone code 6324.4(h), 6325.4(b)(d) not addressed

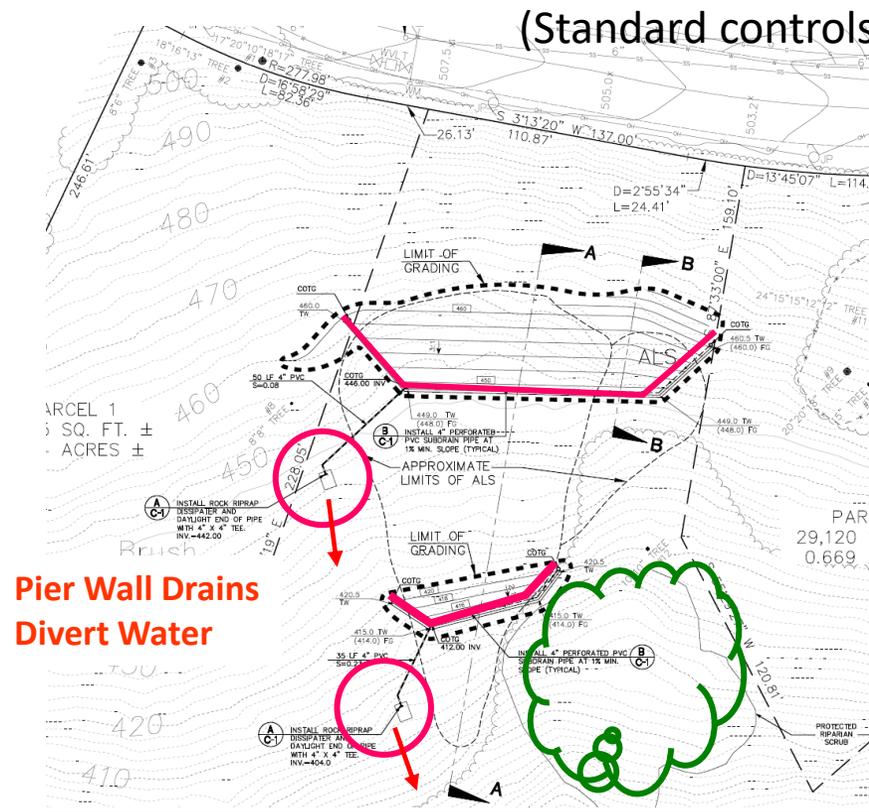
- Subdivision walls and drains all disturb or divert water away from Federally regulated wetlands.
- Steep hillside + surface erosion during grading will fill wetlands with silt without a catch basin (no space)
(Standard controls fail on steep hillsides)

GeoTech required build for concept house
12 ft shear wall next to Parrott Dr.

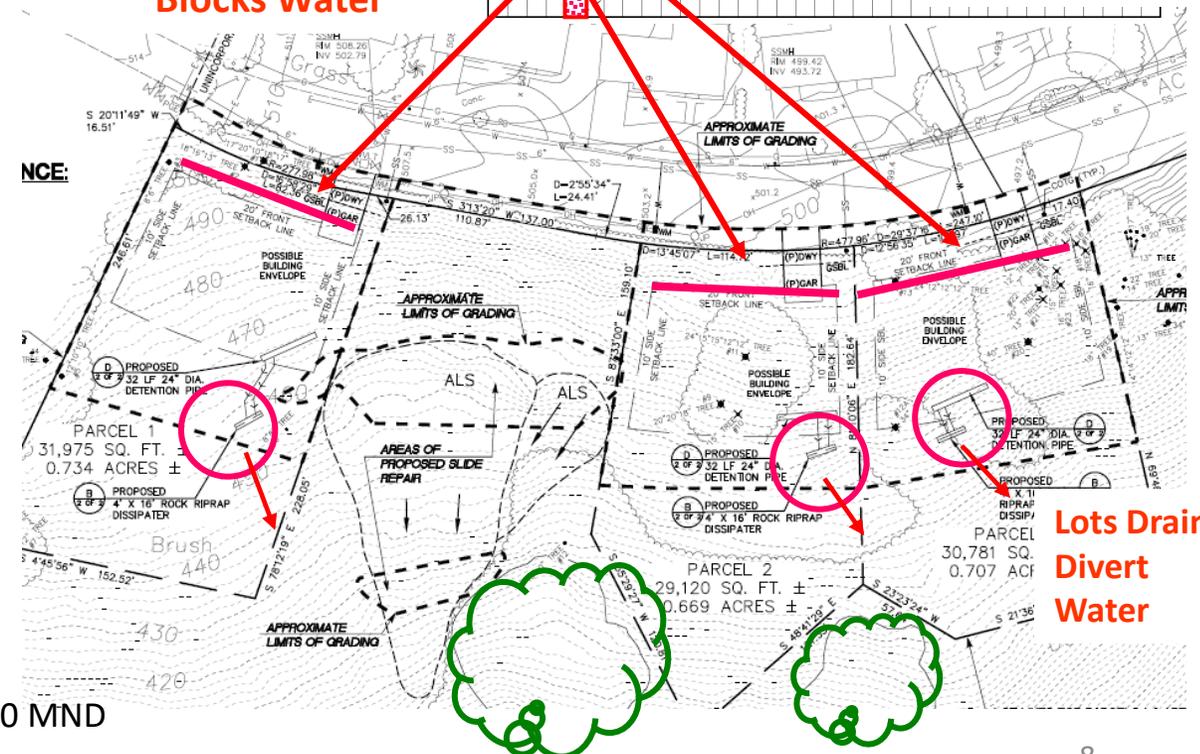


[Attachment K-R pg154]

Houses Retaining Walls
Blocks Water



Pier Wall Drains
Divert Water



Lots Drains
Divert Water

Ref Attachments K-R pg154, Jan 2020 MND

Summary: Issues and Concerns

1) Geotechnical: Designs using “Industry Standard Methods” fail due to hidden or unforeseen external elements left out of the design. Industry methods do not address the primary zoning code purpose to preserve public safety (or minimize hazard risk). Murry Eng. **“makes no warranty, either expressed or implied”**. Pg87 Attachment K-L

I) Franciscan complex has no defined bedrock. Stable pier footings is a **false** design assumption.

II) The potential landslide area is **significantly larger** than the design parameters used.

III) The site has **active hydrology**. Increasing the hazard for geotechnical failures and environmental damage to the wetlands

IV) It was learned from Polhemus landslide the cost of failure \approx \$25M. The neighbors and tax payers respectively decline to assume that level of risk burden

2) Alternative sites do exist: **Zone 6326.4(b)(c) no hazardous building when other sites are available. Why the exception allowed?**

Building costs, timelines, and past poor decisions are not valid concerns for enforcing zoning codes.

a) 3 more home lots have been proposed at the 1551 Crystal Springs existing site ca1983.[Ref Zmay K-L pg10]

b) A 3rd building area for new sites has been identified off of Enchanted Lane on same parcel.

[Ref Attachment M, Revised-Recic. MND Cotton Shires pg 31]

➤ Scorched by Fire, or Surfing a Landslide down hill, the future home owners, neighbors, wetlands, and tax payers of SMCCounty deserve the best decision possible. Reject the subdivision proposal for re-evaluation in favor of less risky and less hazardous alternatives.

CA: Historical Periods of Wetter & Drier Years plus Greater Extremes Expected in Future

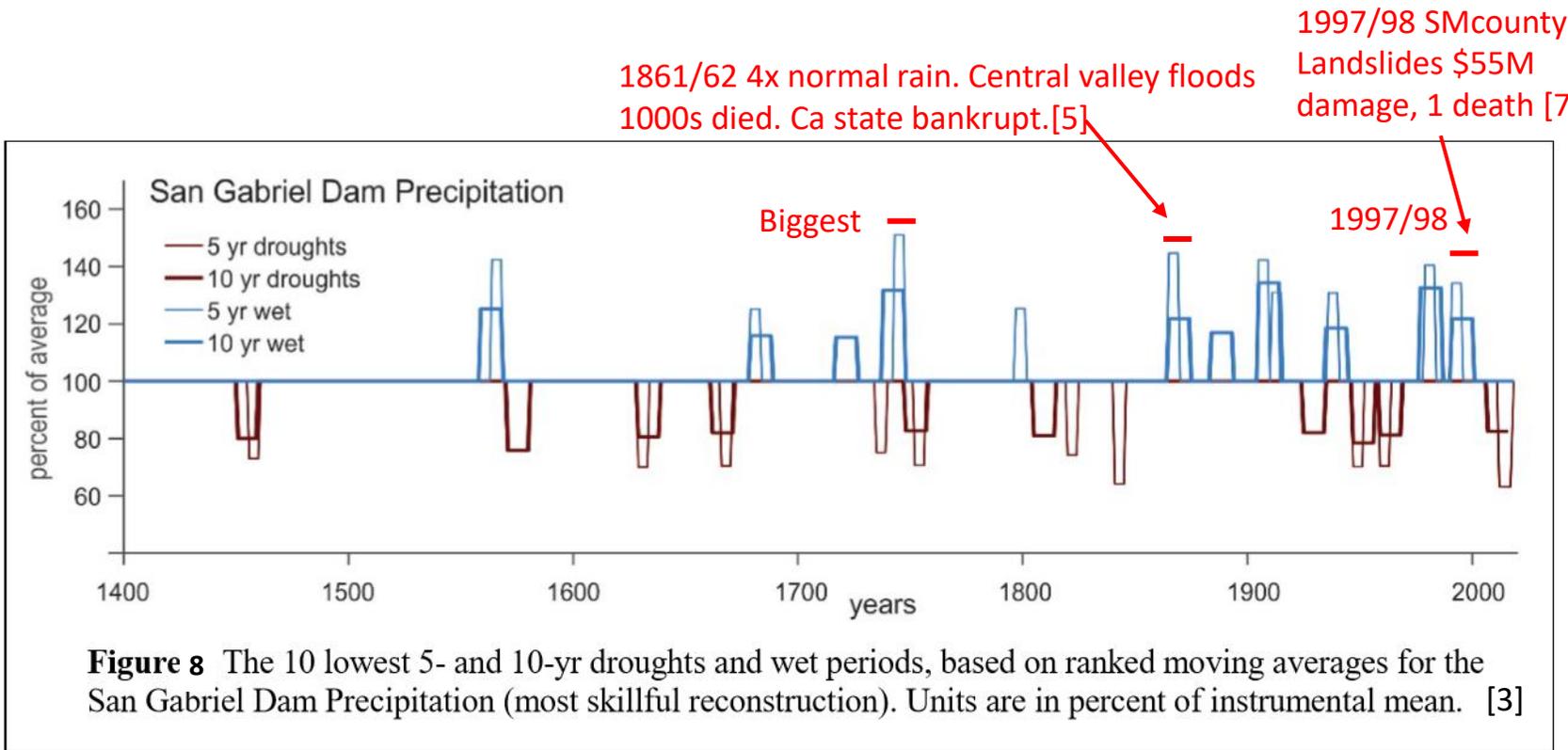
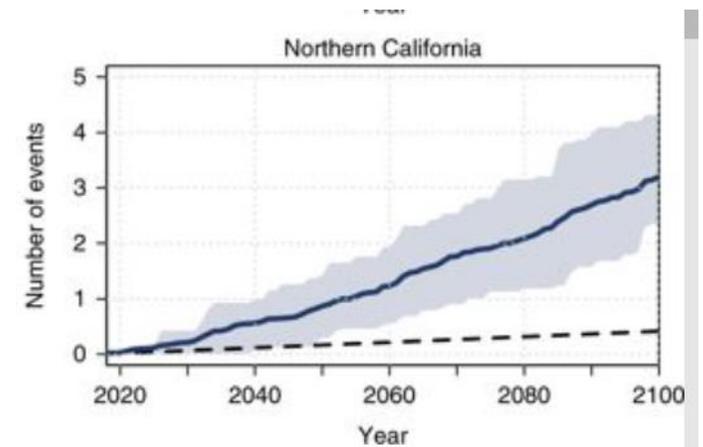


Figure 8 The 10 lowest 5- and 10-yr droughts and wet periods, based on ranked moving averages for the San Gabriel Dam Precipitation (most skillful reconstruction). Units are in percent of instrumental mean. [3]

It is normal for CA to cycle between periods of Dry and Wet over decades [2,3,4]

➔ Think about the scale of 500 yr events, to expand the scope and lifetime of the decisions you are implementing for the SMC Green Infrastructure Plan.

Fig. 2: Cumulative occurrence of extremely wet sub-seasonal storm sequences.



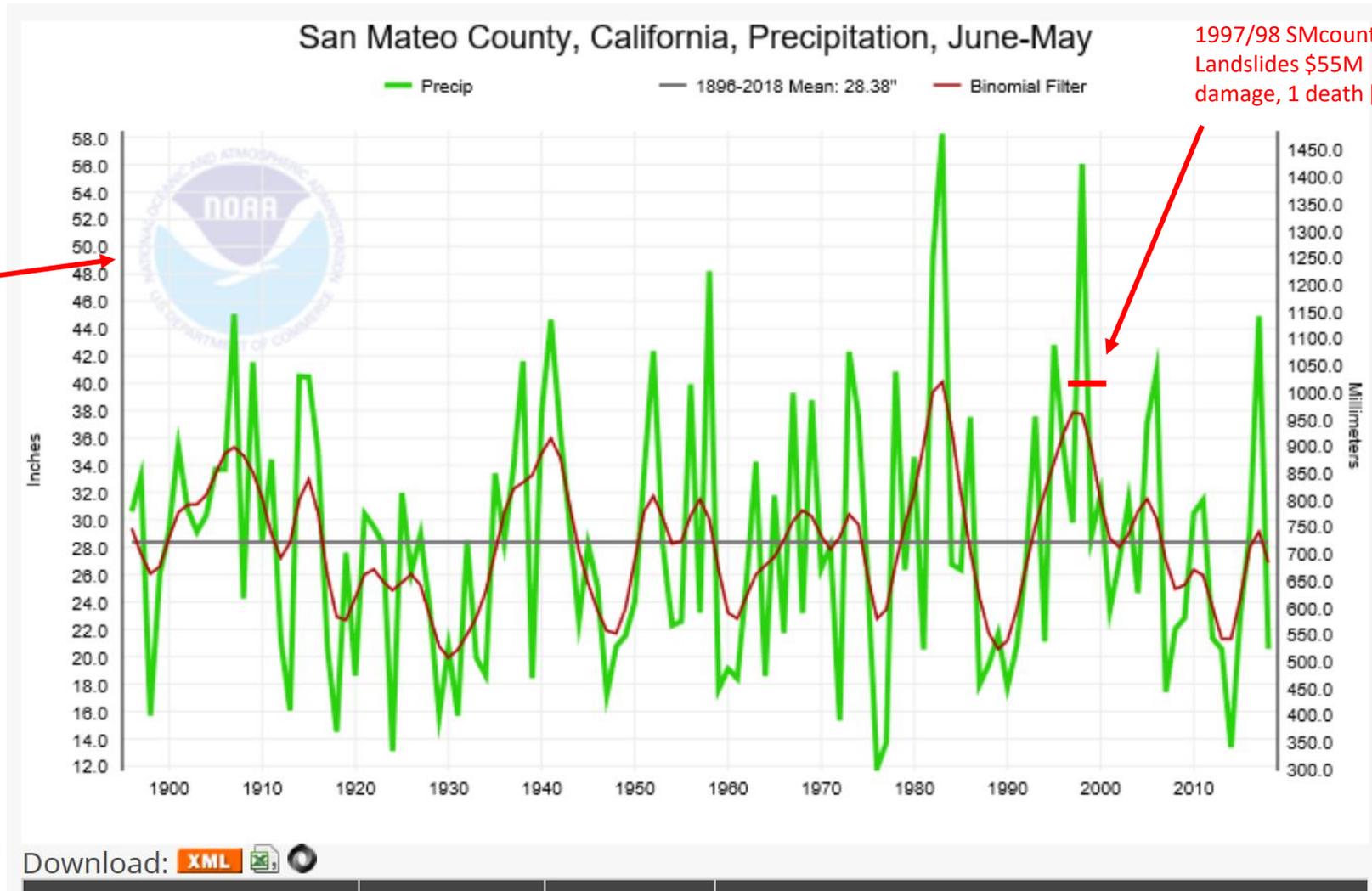
Whiplash events will get stronger as the global warming temperature allows the atmosphere to hold more water. [7]

Consider: The working lifetime of new Green Infrastructures Will they help mitigate or survive future weather extremes?[7] (Storm Water Drainage, Erosion, Landslides, Flooding . . .)

SMC Storm Drainage policy of 2006 [1] incorporates only the last 100 yr single down pour intensity, maximum rain event for **10 minutes**. Is that sufficient? ? ?

CA floods https://en.wikipedia.org/wiki/Floods_in_California

SF data
1861 49.27"
1982 38.17"



APPENDIX B

CIVIL ENGINEERING DATABASE

AMERICAN SOCIETY OF CIVIL ENGINEERS

ASCE LIBRARY

A Race Against Time

by Julie Mark Cohen, P.E., Principal; JMC Engrs., Troy, NY,

Serial Information: *Civil Engineering*—ASCE, 1999, Vol. 69, Issue 11, Pg. 52-55

Document Type: Feature article

Abstract:

The coastal hillsides of San Mateo County, California, were quickly developed during the post WWII construction boom. Although the land is prized for its scenic beauty, the underlying bedrock—described by geologists as Franciscan assemblage—is prone to landslides. In January 1997, a landslide caused the closing of Polhemus Road, an important 2 mi (3.2 km) long, 2-lane thoroughfare. Because the soil on the road threatened power poles, an essential water pipe buried below, and a creek, engineers designed a soldier beam retaining wall with tie-backs at the base of the hill. However, in January 1998, heavy rains accelerated the slide movement. The backyards of the houses on top of a hill by the roadside had lost 20 ft (6 m) of their backyards, and the soil surcharge on the road had grown from 10 ft (3 m) to 24 ft (7 m). The creek slope also needed to be stabilized, so HDP pipe covered with rock was placed along part of the creek bottom. By June 1999, construction of the bottom retaining wall was complete.

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APPENDIX C



URBAN FORESTRY ASSOCIATES, INC.

209 San Anselmo Avenue San Anselmo, CA 94960
(415) 454 4212 info@urbanforestryassociates.com

REPORT

For

***Zmay Development Proposal
San Mateo County, Highlands Area, California***

Prepared for:

Lennie Roberts

Green Foothills

Via Email: info@greenfoothills.org

Palo Alto, CA 94303

main 650-368-7243

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Prepared by:

Ray Moritz, Urban Forester., Fire Ecologist

URBAN FORESTRY ASSOCIATES

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415.454.4212

ray@urbanforestryassociates.com

PURPOSE

I, Ray Moritz of Urban Forestry Associates (UFA), was hired to inspect the subject ZMay Site and proposed development site and the fire hazard and risk issues. I was assigned to inspect the site and produce a brief report of my observations and conclusions regarding the fire hazard and risk. I inspected the Zmay property the canyon topography and the wildland and urban fuels on <May 5th, 2021. This report documents my observations and conclusions based on both my site inspection and my knowledge and experience analyzing fuels and fire behavior. My purpose is to produce an abbreviated assessment of the fire hazard and risk to the proposed development and to the surrounding community.

GENERAL SITE CONDITIONS

The proposed development parcels are located along the east boundary of a large wildland property located in a North – South canyon drainage between Parrott Drive to the east and Crystal Springs Road to the west, at the bottom of the canyon. The proposed Homes would be located close to the top of the west-facing wall. (See Figures 1 and 2). The “Diablo Fire Winds” that appear progressively more frequent in the Fall of the year, the canyon topography with steep slopes and ascending “chimney” drainages and the fire-prone vegetation and structural fuels constitute the “hazard” The fire consequences for targets at risk, the proposed homes, the residents of those homes, and the surrounding community. The Zmay property is about 4,500 feet from the San Andreas Fault. The greatest risk to the area is a major earthquake at the height of the fire season.

Parrott Drive forms a fuel break between the community east of the road and the relatively densely vegetated canyon. However, It has been reported that the Hillsborough July 25, 1972 fire was the last time fire entered the canyon “Suddenly the fire across Parrott Drive exploded, leapt 22 over the roadway, across rooftops, gulping every atom of oxygen. (Hillsborough Fire Chief William Stremme) “Stremme worries that Hillsborough’s first Day of Fire may not be its last.”

Currently residential properties along the west side of Parrott Drive, at the rim of the canyon, would serve to spread flames across the road, add to firebrands and the ember blizzard and threaten the east-of-Parrott Drive community (See Figure 3). In recent years we have seen the major role of homes themselves in feeding catastrophic WUI fire, starting with the 1971 Oakland Tunnel Fire, then the Tubbs Fire in Santa Rosa’s Coffee Park, and most strikingly the Camp Fire in Paradise California. Homes contain the equivalent of close to 40 tree trunks cut into small sticks that are bone dry, plus siding, flooring and roofing that can generate 400,000,000 BTU’s. This does not include rugs, furniture, appliances, cabinets and other home contents.



Figure 2





Figure 3 – Fire-prone landscaping (Cypress & Eucalyptus) could easily spread fire across the road. The structural fuels would add to fire intensity and spread to the east-of-Parrott community.

OBSERVATIONS

All observations during the inspection were made by me personally from the roads surrounding the Zmay property, and with aerial photography.

Fire-Prone Canyon Fuels:

1. **CS – COASTAL SCRUB (HIGH HAZARD)** supports low shrubs, typically 3 to 6 feet tall that are densely arranged with scattered openings supporting non-native annual grasses. Dominant plants in this type include coyote brush (*Baccharis pilularis*), poison oak (*Toxicodendron diversiloba*), California-lilac (*Ceanothus thyrsiflorus*), California bee plant (*Scrophularia californica*), blackberry (*Rubus ursinus*), toyon (*Heteromeles arbutifolia*), and sagebrush (*Artemisia californica*). Fire behavior in coastal scrub is strongly affected by the live fuel moisture in the coyote bush.
2. **FPO - FIRE-PRONE OAK WOODLAND (HIGHEST HAZARD)** consists of the native oak woodland dominated by a dense canopy of coast live oak (*Quercus agrifolia*), California bay (*Umbellularia californica*), California buckeye (*Aesculus californica*), and Pacific madrone (*Arbutus menziesii*). The dense understory of this woodland consists of poison oak (*Toxicodendron diversilobum*), toyon (*Heteromeles arbutifolia*), and other shrubs that create fairly contiguous ladder fuels from the forest floor to the tree canopy. The combination of dense understory vegetation, ladder fuels, and disease caused by sudden oak death (*Phytophthora ramorum*) makes this type extremely flammable and prone to crown fires.
3. **FPUF - FIRE-PRONE URBAN FOREST (HIGHEST AND HIGH HAZARD)** includes residential areas that are moderate to densely landscaped with fire-prone ornamentals such as juniper (*Juniperus* spp.), pine (*Pinus* spp.), acacia (*Acacia* spp.), and eucalyptus (*Eucalyptus* spp.). Also present in these areas may be sparse to dense remnants of the native trees and shrubs such as coast live oak, Pacific madrone, and poison oak. This forest type is also strongly affected by sudden oak death. Areas with dense understory vegetation were ranked as having the highest hazard.

Parcel # 1

Vegetation Fuel Types: CS—Coastal Scrub (High Hazard), FPO—Fire-Prone Oak Woodland/Maritime Chaparral (Highest Hazard) and Fire-prone Urban Forest

Location: CS - Around, below and above the likely home site. A residential Fire-prone Urban Forest is adjacent to the property adjacent to and north of this property.

Condition: The native plant communities are over-mature and have subcanopies of fine dead material that ignites easily and burns intensely. In the 1995 “Vision Fire” the fire spread went 11,000 acres in as many hours.

Conclusions: The development of this parcel is putting people and property in harm’s way and it exacerbates the fire risk to the east of Parrott Drive community.

Recommendation: The Fire Marshal should be consulted about the proposed development of this parcel.



Parcel # 2

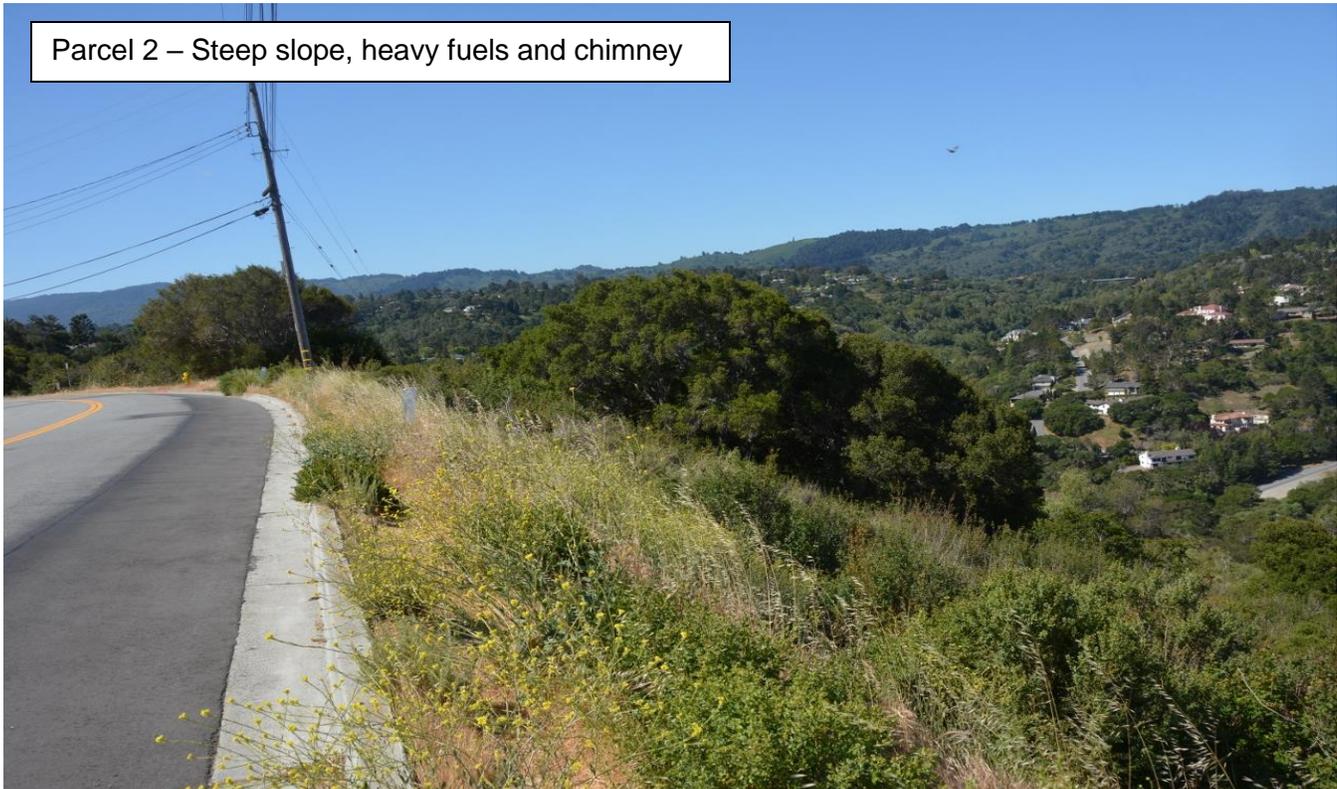
Vegetation Fuel Types: CS—Coastal Scrub (High Hazard), FPO—Fire-Prone Oak Woodland/Maritime Chaparral (Highest Hazard)

Location: This property contains issues regarding geologic instabilities immediately below Parrott Drive. It has an ascending side “chimney” drainage vegetated by Fire-prone Oak Forest and has decadent Coastal scrub on its north flank.

Condition: The native plant communities are over-mature and have subcanopies of fine dead material that ignites easily and burns intensely. The oak forest has an undergrowth of dying scrub and poison oak that would encourage and sustain a crowning fire. The chimney drainage would exacerbate fire spread and intensity.

Conclusions: The development of this parcel is putting people and property in harm’s way and it exacerbates the fire risk to the east of Parrott Drive community.

Recommendation: The Fire Marshal should be consulted about the proposed development of this parcel.



Parcels # 3 & 4

Vegetation Fuel Types:	CS—Coastal Scrub (High Hazard), FPO—Fire-Prone Oak Woodland/Maritime Chaparral (Highest Hazard)
Location:	This property contains issues regarding geologic instabilities immediately below Parrott Drive. It has an ascending side “chimney” drainage vegetated by Fire-prone Oak Forest and has decadent Coastal scrub on its north flank.
Condition:	The native plant communities are over-mature and have subcanopies of fine dead material that ignites easily and burns intensely. The oak forest has an undergrowth of dying scrub and poison oak that would encourage and sustain a crowning fire. The chimney drainage would exacerbate fire spread and intensity.
Conclusions:	The development of this parcel is putting people and property in harm’s way and it exacerbates the fire risk to the east of Parrott Drive community.
Recommendation:	The Fire Marshal should be consulted about the pro[posed development of this parcel.

GENERAL CONCLUSION

This proposed development is an extreme risk to the potential residents and residences of the proposed development and significantly exacerbates the risk to the community as a whole. It approval would violate The recommendation of the Governor and the fire service.

Placing people and property within extreme fire risk environments must be rejected if we are to lessen the extreme losses California has been impacted with the past few decades. Our most disastrous wildfires in recent years have been under northerly Diablo winds and this canyon is highly vulnerable to such winds.

If such ill-advised developments are not rejected now – when?

Approximate Parcels 1, 2, 3 & 4



The proposed development puts people, property, and coastal habitat at extreme risk of loss.

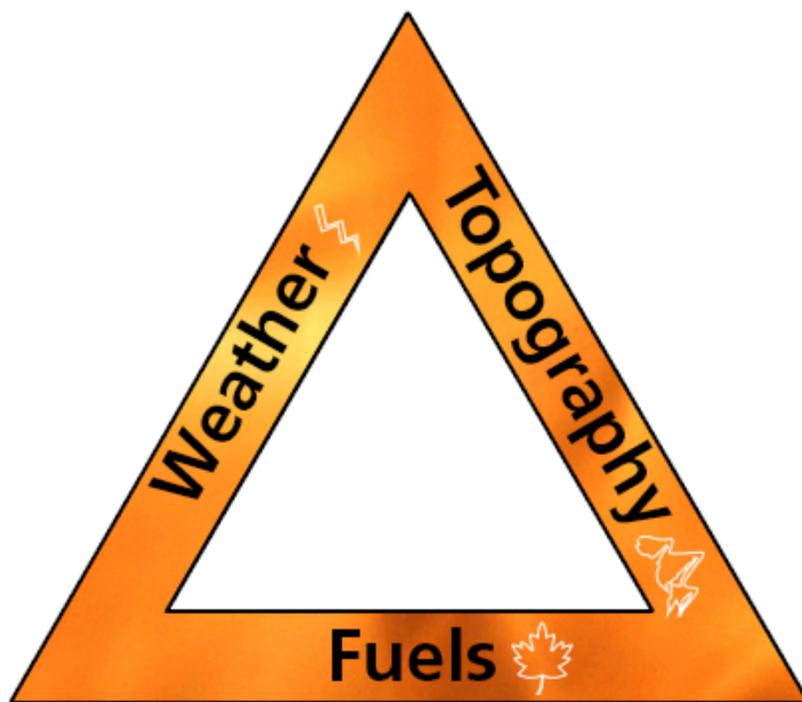
Ray Moritz, Urban Forester, Fire Ecologist

APPENDIX D

National Park Service

Wildland Fire Behavior

This article is part of the Wildland Fire Learning In Depth series. It is designed for students who want to learn more about fire. Find the complete series on the Fire subject site.



The fire behavior triangle's three legs are fuels, weather, and topography.

NPS/C. BOEHLE

Fire is influenced by many factors, including geography, climate, weather, and topography.

Season Matters

Though a wildfire can happen anytime the conditions are right, the time of year influences the effects of fire. For example, wildland fire season in the western United States is June through October, while March through May

is the fire season in the southeastern United States. Most fires in the New England states occur in late fall. During some seasons, more moisture is present than in other seasons, thus reducing fire threat. This varies by geographic region.

The Fire Behavior Triangle

Just like there is a fire triangle, made up of heat, oxygen, and fuel, there is another triangle called the fire behavior triangle. The three legs of this triangle are fuels, weather, and topography. The sections below go more in depth into each of these and their influence on fire.

Fuels

A fuel's composition, including moisture level, chemical makeup, and density, determines its degree of flammability. Moisture level is the most important consideration. Live trees usually contain a great deal of moisture and dead logs contain very little. The moisture content and distribution of these fuels define how quickly a fire can spread and how intense or hot a fire may become. High moisture content will slow the burning process, because heat from the fire must first eliminate moisture.

In addition to moisture, a fuel's chemical makeup determines how readily it will burn.

Some plants, shrubs, and trees contain oils or resins that promote combustion, causing them to burn more easily, quickly, or intensely than those without such oils. Finally, density of a fuel influences its flammability. If fuel particles are close together, they will ignite each other, causing the fuel to burn readily. But if fuel particles are so close that air cannot circulate easily, the fuel will not burn freely.

Soil types also must be considered because fire affects the environment above and below the surface. Soil moisture content, the amount of organic matter present, and the duration of the fire determine to what extent fire will affect soil.



Fuels are all living and dead plant material that can be ignited by a fire. Fuel characteristics strongly influence fire behavior and the resulting fire effects on ecosystems.

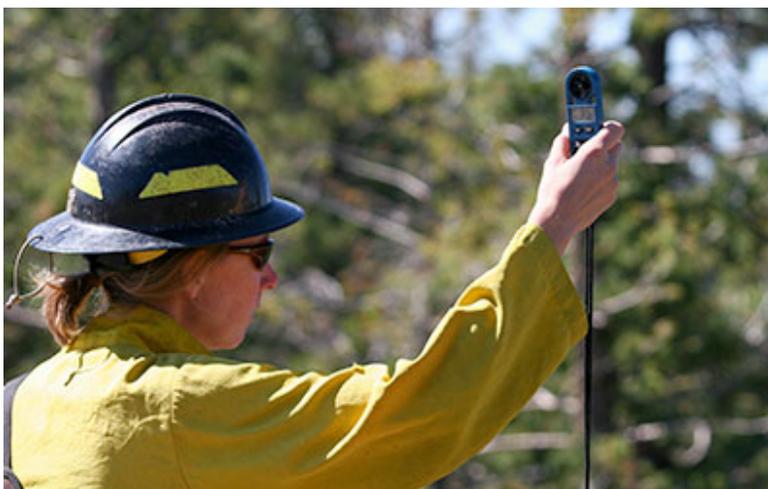
NPS

Weather

Weather conditions such as wind, temperature, and humidity also contribute to fire behavior. Wind is one of the most important factors because it can bring a fresh supply of oxygen to the fire and push the fire toward a new fuel source.

Temperature of fuels is determined by the ambient temperature because fuels attain their heat by absorbing surrounding solar radiation. The temperature of a fuel influences its susceptibility to ignition. In general, fuels will ignite more readily at high temperatures than at low temperatures.

Humidity, the amount of water vapor in the air, affects the moisture level of a fuel. At low humidity levels, fuels become dry and, therefore, catch fire more easily and burn more quickly than when humidity levels are high.



An anemometer measures wind speed. Wind is one of the factors of weather conditions that can influence wildland fire.

NPS/D. NG

Topography

Topography describes land shape. It can include descriptions of elevation with the height above sea level; slope, the steepness of the land; aspect, the direction a slope faces (e.g., the south side of a canyon will have a north-facing slope); features, such as canyons, valleys, rivers, etc.

These topographical features can help or hinder the spread of fire. For example, a rocky slope can act as a great natural fire break due to a lack of fuel and wide gap of open space. Drainages can act as fire breaks, as well if fuels are moist or there is little vegetation. Beyond the shape of the



Topography can have an influence on how a fire behaves. It will typically move more quickly uphill than downhill or than on flat terrain.

NPS

land, it is also important to consider elevation, slope, and aspect. Elevation and aspect can determine how hot and dry a given area will be. For example, higher elevations will be drier but colder than low ones, and a north-facing slope will be slower to heat up or dry out). Slope can determine how quickly a fire will move up or down hills. For example, if a fire ignites at the bottom of a steep slope, it will spread much more quickly upwards because it can pre-heat the upcoming fuels with rising hot air, and upward drafts are more likely to create spot fires.

Part of a series of articles titled [Wildland Fire - Learning In Depth](#).

Previous: [Wildland Fire and Ecosystems](#)

TAGS

wildland fire

learning in depth

prescribed fire

fire ecology

natural resource management

invasive species management

lightning

fuel reduction

Last updated: February 16, 2017

Was this page helpful?

Yes

No

 An official form of the United States government. Provided by **Touchpoints**

APPENDIX E



Answering the call since 1926.

Media Guide

This guide is intended to assist the media with obtaining timely information from the Santa Barbara County Fire Department (SBCFD) and to provide the media with a basic outline of how information is released. This is a reference guide only and is not intended to cover every situation.

Vegetation Fire Media Information

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PIO

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PIO

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This booklet is intended to help you cover vegetation (or wildfires) in the Santa Barbara Area. We know fires can be scary and seem completely out of control.

The Santa Barbara County Fire Department trains continuously throughout the year for vegetation fires. Our Mission is to keep 90% of vegetation fires held to 10 acres or less. Sometimes that's impossible.

We know that. With certain weather and fuel conditions such as the 1990 Painted Cave Fire, there were nearly 500 homes lost in only 90 minutes. A manmade fuel break of a six lane freeway and railroad track couldn't stop the fire's progress. The only thing that stopped that fire from reaching the Pacific Ocean was that the Sundowner winds stopped.

Large fires are scary. They're deadly.

You are asked to cover such an event, are you prepared?

Please review this material that's meant to aid you in safely covering these destructive conflagrations that routinely scar our county.



It All Begins With The Red Card

A Red Card is officially known as an Incident Qualification Card. This card is generated from a training and qualification database run by federal and state agencies that work in cooperation with the National Wildfire Coordinating Group (NWCG).

Called the Incident Qualification and Certification System (IQCS) or in some areas the Incident Qualification System (IQS), this program tracks an individual's training and incident responses. A Red Card is like a sort of license that indicates what positions the card-holder is qualified to operate in. The software tracks this training and experience and then determines if the individual has met the requirements for a given position. These positions are defined in an NWCG-published document called the Wildland Fire Qualification System Guide, or more commonly, PMS 310-1. A lengthy read to say the least, this document defines the requirements for someone to be qualified in a position and therefore hold a Red Card indicating so.

Red Cards are utilized by state, federal and other fire agencies that work cooperatively with the NWCG. All federal and tribal firefighters are issued Red Cards. Many local government agencies that have members who work on incident management teams (IMTs) or that mobilize to large wildland fire incidents also carry Red Cards.

A Red Card is issued to any individual who has qualifications used on a wildland fire incident, including positions in firefighting, logistics, finance, PIO, and planning.

There are several reasons why a department may wish to have its personnel “Red-Carded,” or more accurately, qualified by NWCG standard to operate within the NWCG’s system. Departments such as SBC, which work closely with neighboring federal agencies or that share protection responsibility for public lands, find it necessary to have staff members Red-Carded. This enables personnel to work on federally managed incidents as firefighters or other personnel. All qualified personnel can now be requested through a computer ordering process. Single person positions, strike teams, or other resources can be ordered and assigned for various fires. It also enables federal agencies to reimburse departments for personnel and equipment costs on incidents. More importantly, it shows that a fire department has taken the initiative to train its personnel to the same level and through the same process as their federal cooperators. This commitment can go a long way in improving relationships and creating training opportunities among local, state and federal government agencies.

The NWCG operates under a “performance-based system.” Position task books define the set of skills required for a given position. PMS 310-1 defines the experience and educational requirements, along with successful performance in a position (verified by a task book) required for qualification. This means that a SBC employee who wants to be qualified in a position must meet the specified requirements set forth in PMS 310-1 prior to initiating a task book, then demonstrate performance at that level as a trainee. Once all tasks and required training are complete and the SBC employee’s task book is signed off by a series of evaluators, the SBC employee is eligible to be qualified for that fire season. At the beginning of the high fire season, refresher videos, classes, and practical applications (such as live drills) are completed to obtain that season’s Red Card.

SBC Morning Report

Every morning the SBC Duty Officer (who holds the rank of Captain and is assigned to work in the Dispatch Center) generates this morning report and disseminates it to SBC and other fire agencies in the county and region.

It gives the status of personnel and equipment for the 24-hr operational period and if any resources are assigned to out of county incidents. It also gives the on-call Strike Team rotations for the day for South Ops Geographical Area Coordination Center.

SANTA BARBARA COUNTY FIRE MORNING REPORT						Thursday
Date:	08/31/17	C-Shift	Burnday:	NO	Drawdown	NO + 11
VRL:	HIGH 0900-1800 MOD 1800-0900				Readiness Uniform	Yes
COMMAND & GENERAL STAFF						
	Duty Chief:	0800-1200	503 Johnson	1700-0800	503 Johnson	
	Duty Officer:	0700-1900	C.Peterson	1900 - 0700	C.Peterson	
	PIO:	0700-1500	INFO 1 Zaniboni	1500 - 0700	INFO 2 Eliason	
	Investigator:	0700-1700	526 Steiner	1700-0700	525 Snodgrass	
	H M U :	0800-0800	an West.Analyssa Qu	0800-0800	Analyssa Quarnta	
						
EQUIPMENT - AVAILABLE						
Battalion 1	BC 512 Ryan					
Resource Type	Type I	Type III	Specialized Equipment		Reserve <off>	Utility
Station 11:Ⓞ	ME11		WR11	T11 / USAR11		
Station 12:	ME12	E312			AE12	
Station 13:Ⓞ	ME13	E313				UT13
Station 14:	E14 (AE13)					
Station 15:	E15					UT15
Station 17:	ME17		WR17	RA17	ARA17 / AE17	UT17
Station 18:	ME18	E318	WT18	BS18		UT18
Headquarters:	Exp. Closed					
Battalion 2	BC 520 Hazard					
Station 21:	ME21	E321			AE21	UT21
Station 22:Ⓞ	ME22		WT22			UT22
Station 23:	E23					UT23
Station 24:	ME24	E324				UT24
Station 30:Ⓞ	ME30	E330				UT30
Station 31:	ME31	E331	HAZ31			UT31
Station 32:	ME32		WT32		AE32	UT32
Station 41:	ME41	E341	WT41	RA41	ARA41	UT41
Station 51:Ⓞ	ME51	E319		RA51	ARA51 / AE51	UT51
SPECIAL OPERATIONS						
Air Ops 0800-1800:			Copter 3>OFF<	Copter 4 >ON< no hoist	H-308>OFF<	Helitender>ON<
Const. 24 Hrs.	DZ1<ON>	DZ2<OFF>	DZ3>OFF<	DZ4>ON<	Excavator>ON<	Loader 1> ON<
Crews 0900-1700	SBC Crw 1-1<on>	SBC Crw 1-2<off>				
Water Ops. 24 Hrs.	WR11	WR17				
INCIDENTS / UPSTAFF						
Inc. Name	Inc.#	Equipment / Overhead / Crews				
CA-Eclipse Complex	SBC#10983	515-(Chris Childers)				
CA-FKU-Cover	SBC#11124	ST 9322C, 322,323,332,314,315, STEN 540 (Farris),STEN(T) Gailey				
OR-UPF-000406	SBC#11127	510-(Diondrey Wiley)				
CA-NOD-005180	SBC#11160	530-(Stornetta),Himmelrich				
OUT OF SERVICE						
North Garage	E351					
South Garage	E14					
S/T Rotation:	9322C (CalFire)	Batt 1:	315,314,313,318,312			
UPDATE 4/24/17	9322C (CalFire)	Batt 2:	323,332,351,322,330,324,331,341			
S/T Rotation:	XSB1501A	Batt 1:	17,11			
	SBC1530A	Batt 2:	23,32,21,51,22,30,24,31,41			
OTHER RESOURCES, REQUEST THROUGH DUTY OFFICER						
Local Air	AA07<at inc>	H528<at inc>	Regional Air	PRB: A340,T75	PTV:A410 T-76	
XSB	RTF12 USAR11		OES ENGINES: SMR-337 O.O.S.			

How Does A San Diego City Fire Engine End Up In Santa Barbara County?

Fire breaks out.

Who does the Direct Protection Area belong to? (Basically, whose dirt is it? - USFS, SBC, SLO, CAL FIRE) This determines the resource "ordering point." Once determined that dispatch center becomes the ordering point (for this example we will say it's SBC's dirt)

The Duty Officer (which is a Captain) in the dispatch center will "name" the incident. This is based on a local geographic landmark or road. It must be only one word and can only be used on a fire once for that calendar year. (You may have two "Paint" Fires in different years, but you can't have a "Painted Cave" Fire—too many words)

The Duty Officer will get requests from the on-scene Incident Commander (Usually a Battalion Chief or earlier in the incident, a Captain)

All orders are then placed via computer through ROSS (Resource Order and Status System) goes to South Ops, which is located in Riverside (North Ops is in Redding)

At South Ops, there are two separate Geographical Area Coordination Center (GACC) divided between the US Forest Service and Contract County/Cal Fire Centers.

Depending upon other fire activity in the region, the request through South Ops will go methodically to various departments and counties closest to the fire to fill the request. The request will be filled if that agency has the resources available. If the resources are not available due to another fire/incident, it can be declined. Everyone who is requested (whether on an engine, aircraft, crew, or single resource has been "Red Carded" and in the computer system).

South Ops looks at the various fires/threats/requests and determines a daily priority list of fires. A fire will get a higher priority if structures are threatened. (The Whittier Fire was bounced around several times in the Top 5 in SoCal, and also was considered the #1 Fire) This helps with aircraft availability primarily, but also ground resources and length of response.

If South Ops requests an SBC Strike Team for an out of county incident, the Duty Officer will first get the approval from a Duty Chief/Division Chief prior to accepting the request.

What can be ordered through ROSS are, Strike Teams, Dozers, Aircraft, Facilities, IMT Teams, Water Tenders, Private Fire Contractors, Hand Crews, Single Resource Personnel, and Overhead. Basically anything that will work the incident.

With the resources ordered, they will respond and report to a staging area or base camp for the incident by a certain time.

Once assigned to the incident, they are usually assigned for a maximum 14 day period. This can be extended an additional seven days before replacement crews arrive. Or, the assignment can be shortened if released.

A daily DEMOB (demobilization) list is posted in camp letting firefighters know if they will be released that day or next. They then go through the DEMOB process (which takes about an hour to go to supply, radio, finance, vehicle inspection, etc.) and head to home or be re-assigned to another fire.

This is an actual filled order request from the ROSS system for a five engine Type 3 Strike Team and Strike Team Leader from SBC to the MIAS Fire in Beaumont in August 2017.

 Media Guide Table-2

 Media Guide Icons

 Media Guide Graphic

Logistics

“You will not find it difficult to prove that battles, campaigns, and even wars have been won or lost primarily because of logistics.”

- Dwight D. Eisenhower

SBC's Logistics Section consists of 3 personnel and 1 Captain. When there is not a fire, they support the 16 SBC Fire Stations with everything from lightbulbs to the Jaws of Life tools.

During the first hours of a vegetation fire, fire resources may be coming to the scene from near and far.

While the firefighters are working hard, sometimes it takes days, weeks, or even months to finally put a fire out. In these such cases the firefighters need the support of the Logistics Section, or LOGS, to enable a successful outcome. The three major items needed initially are food, water, and sanitation.

During the first hours, meals are ordered for the personnel on scene. This usually is something ready made and can be delivered by LOGS and handed off quickly on the fire line, such as a sandwich or burrito. This will have to sustain the firefighters for the overnight period.

Usually the initial assignment, or IA, crews will work all night without a break until the morning briefing.

At the same time, the Logistics Section is ordering a hot breakfast for the morning and a 3000 calorie sack lunch to be given to them on their way back out to the fireline. LOGS will call a vendor by 10 PM and will have up to 2,000 sack lunches delivered by 6 AM. When the camp is fully operational, the firefighters will get a daily hot breakfast and dinner, along with their sack lunch.

LOGS also will prepare the first Incident Action Plan (IAP) and maps for the morning briefing to be handed out to crews and command staff.

Other necessary items are roughly 20 portable toilets, a fuel truck, a hydration trailer that includes 2 pallets of ice, 7 pallets of water, and 3 pallets of Gatorade. The hydration trailer will also need to be replenished at some point.

Now, where will the fire camp be located? If there is a fire in the front country, Dos Pueblos High School has been used, as well as Earl Warren Showgrounds, however schedule conflicts may not make this possible. Live Oak Campground or Elks Rodeo Field may be used for north county incidents. This needs to be worked out quickly as resources are already on their way.

If the fire continues to grow, LOGS will ready the Type 3 for transition to a Type 2 or Type 1 Incident Management Team. With these larger teams, comes more firefighting resources. A temporary city will need to be built to accommodate the personnel. Portable trailers for “Main Street” where the Incident Commander, Finance, PIO, Plans, Check-In/Demob and others will be housed. Other items such as shower trailers, sleeping trailers, lighting, dumpsters, meals, map making & copy trailer, supply and equipment, radios, and more now need to be ordered. With larger IMT teams comes more regulations. Cal Fire, for instance, differs from the USFS when it comes to how things such as individual vendors are selected for incidents. Also where will the crews sleep? Most bring their personal tents, Cal Fire has negotiated in their contract they will stay in motels.

It costs roughly \$120 thousand a day for a Type 1 Team’s approx 60 personnel, \$80 thousand a day for a Type 2’s 40-50 personnel, and \$35 thousand a day for a Type 3’s 30 personnel. (This is salary for members of the team. This does not include single resources, engine companies, crew, dozer, aircraft, vendors for camp, etc).

Culinary Delights

Media Guide Food

At Base Camp, the firefighters are served a hot breakfast (usually from 6 a.m. to 10 a.m.) and dinner (usually from 5 p.m. to 9 p.m.) daily.

Ever wonder what crews eat while on the firelines? Here's a photo showing the famous fire line brown bag lunch which is ordered through the LOGS Section. It must be a 3000 calorie lunch sack that has also has several snacks.

Every day a firefighter is on the line, they are responsible for picking up a brown bag lunch at base camp to feed themselves. They get one bag for a 12-hr shift and two if they are working a 24-hr shift. They have a meat and vegetarian version of each. This photo is of a vegetarian brown bag lunch.

It includes;

Green burrito with portobello mushrooms, Chinese noodles and red bell peppers. The white burrito has leaf lettuce and a slice of cheddar cheese. The rest is easy to see. The non-vegetarian version of this contains a ham sandwich on wheat.

While crews are off, they also may, as a group, go into town and eat at a local restaurant if they choose.

Bon Appetit!

Briefing

Media Guide Whittier Fire

Group briefings and fire acreage & containment numbers are held 12 hrs apart. They are usually held for the day shift at 7 AM and the night shift at 7 PM, but can also be at 6 AM and 6 PM.

During this time the Incident Action Plan or IAP for that shift is discussed by leaders of the various sections of the fire to crews coming on for that shift. Some of the topics that are discussed are;

- SAFETY MESSAGE - Tailored for each particular shift/weather conditions/terrain. Review LCES. All are reminded that a building or patch of dirt isn’t worth their life.
- INCIDENT OBJECTIVES - Strategies for containment of the fire.
- ORGANIZATION LIST - Identifies Incident Commander and Staff, Agency Representatives, Planning Section, Logistics Section, Operations Section (including various Branches including Air Ops Branch), and Finance Section.
- SPOT FIRE WEATHER FORECAST - From Incident Meteorologist. Includes predicted temperatures, winds, humidity, and fire behavioral forecast. Also specific to various Divisions.
- DIVISION ASSIGNMENTS - Breakdown of resources assigned to various Divisions including Division Leader, Engines, Crews, Dozers, Water Tenders, etc. Also includes how many personnel assigned to each resource for accountability purposes.
- RADIO COMMUNICATIONS PLAN - Frequencies and channels for all radios and hand-held devices used on fire.
- MEDICAL PLAN - Medical Aid Stations, local hospitals, who would transport (AMR, Calstar, etc) distances to Drop Points (Lat & Long), addresses of hospitals & travel times.
- AIR OPERATIONS PLAN - Frequencies, available helicopters and fixed-wing, air attack contact, & TFR Restriction.

Also distributed at both briefings are multi-page detailed topographic and grid index maps that focus on all of the division of the fire. They also show drop points, divisions, branches, uncontrolled fire edge, completed dozer line, completed line, hand lines, and proposed dozer lines.

Fire Incident Map

 Media Guide Fire Incident Map

Shows perimeter of the fire.

- **Red line** shows uncontrolled fire edge
 - **Black edge** shows controlled edge
 - **)**(Shows Division breaks of fire (which can expand with fire growth.
 - **||** Shows Branch breaks of fire.
 - Other points such as **Drop Points, Water Sources**, etc.
 - Usually updated on 12-hr increments
-

Fire Behavior

 Media Guide Fire Behavior

Atmospheric stability can be defined as the atmosphere's resistance to the upward or downward movement of air. Unstable air encourages the vertical movement of air and tends to increase fire activity. Stable air discourages the vertical movement of air and tends to reduce fire activity.

Other indicators can also reveal important information about local atmospheric conditions. Steady winds indicate stable air; gusty winds are indication of unstable air, except where mechanical turbulence (usually caused by terrain features) is the obvious cause. Fire whirls or dust devils are reliable indicators of instability near the surface. Haze and smoke tend to rise in unstable air and to spread horizontally in stable air.

Different cloud formations also indicate atmospheric stability or instability. Cumulus clouds are characterized by vertical currents and therefore indicate unstable atmospheric conditions and possibility of

 Media Guide Fire Behavior-2

gusty or strong winds. The heights of cumulus clouds indicate the depth and intensity of the instability. When the atmosphere is unstable, formerly calm fires may suddenly blow up and become very erratic.

Daily weather cycles also affect fire behavior, and they, too, tend to be predictable. For every 24 hr period, it is possible to make general predictions about burning conditions.

Local winds may also vary according to the time of day. In foothills, daytime heating of the land produces an upward movement of air, creating up-canyon winds. At night, cooling of the land produces a downslope wind.

Fire Weather

Short-term variations in the atmosphere are what we call weather. Weather is one of three components of the fire environment.

Weather conditions can result in the rapid spread of fires as a result of strong winds. On the other hand, an increase in humidity or precipitation can slow or extinguish fires. Of the three fire environment components, weather is the most variable over time, and at times, difficult to predict.

Firefighters conducting fire suppression must monitor the weather at all times to make safe and effective firefighting decisions. This can not be overstressed.

The basic principles and concepts of fire weather as they relate to wild land fire behavior include:

- Air Temperature and Relative Humidity (RH)
- Precipitation
- Atmospheric Stability
- Wind

Air temperature varies with time, location, and altitude. Abrupt changes in temperature can occur when migrating weather systems transport colder or warmer air into a region. In the wildland fire environment, direct sunlight and hot temperatures can preheat fuels and bring them closer to their ignition point. Above average temperatures are common on large fires.

Relative humidity is the amount of moisture in the air divided by the amount the air could hold when saturated at the same air temperature. It is usually expressed as a percentage. Small changes in RH that cannot be felt or seen can have a significant impact on wildland fire behavior (such as light, grassy fuels)

Temperature and relative humidity have an inverse relationship. When temperature increases, RH decreases. During the early morning hours, the temperature typically reaches its lowest point and the RH reaches its highest point.

When the temperature reaches its maximum for the day (usually in the late afternoon) the RH decreases and the fuel moisture reaches its minimum. The majority of large fire outbreaks and fire growth occur during this time.

Atmospheric Stability

Wildfires are greatly affected by surface winds, temperature, and RH, but, less obvious and yet equally important, is atmospheric stability and related vertical air movements that influence wildfires. Atmospheric stability is the degree to which vertical motion in the atmosphere is enhanced or suppressed. The temperature and stability of the atmosphere is constantly changing with variations over time.

A **stable atmosphere** is defined as an atmosphere that resists upward motion. In this condition, the extensive heat of the fire generates vertical motion near the surface, but the vertical motion above the surface is weakened, thus limiting ingrafts into the fire at low levels and fire intensity. **Some visual indicators of this are; Clouds in layers, stratus type clouds, smoke column drifts apart after limited rise, poor visibility due to smoke or haze, fog layers, steady winds.**

An **unstable atmosphere** is defined as an atmosphere that encourages upward motion. In this condition, vertical motion increases contributing to increased fire activity. Convection columns can reach greater heights producing stronger ingrafts and convective updrafts, spotting can occur, dust devils and fire whirls, and gusty surface winds. Fires burn hotter and with more intensity when the air is unstable. **Some visual indicators of this are; Clouds grow vertically and smoke rises to great heights, cumulus clouds, good visibility, gusty winds, and dust devils/fire whirls.**

Inversions and Nighttime (Radiation) Inversions

The usual temperature structure of the lower atmosphere is characterized by a decrease in temperature with altitude. However a layer where temperature increases with altitude (warm air over cold air) may exist. This is referred to as an inversion. During this time, fuel RH is usually higher, thus fire spread is reduced. Updrafts are usually weak and only rise until their temperature equals that of the surrounding air. Once this happens, the smoke flattens out and spreads horizontally. Nighttime (radiation) inversions develop on calm, clear nights when radiational cooling of the Earth's surface is greatest and are typically stronger in winter than summer. They're easy to identify because they trap smoke and gases resulting in poor visibilities in valleys or drainages.

Winds impact the fire environment by increasing the supply of oxygen to the fire, determine the direction of fire spread, increase the drying of fuels, carry sparks and firebrands ahead of main fire causing spot fires, bend flames that result in the preheating of fuels ahead of the fire, influence the amount of fuel consumed by affecting the residence time of the flaming front of the fire. The stronger the wind, the shorter the residence time and the less fuel is consumed. (This was apparent along Highway 154 during the Whittier Fire and "hopscotching" appearance).

Press Conferences For Large Incidents

 Media Guide Press Conferences For Large Incidents

For Santa Barbara County Fire Department, the Public Information Officer (PIO) Section is currently staffed with two full-time positions which work a M-Th 4/10 schedule, but are always on-call 24/7. There is a small cadre of others who will fill in with the on-call PIO duties when necessary.

For a large fire, they will respond as part of the initial assignment. Both are members of the IMT-3 and would be assigned to the fire as a single resource for the incoming IMT-2 or IMT-1, each of which has their own lead PIO as part of the Command/General Staff. In the Chain of Command, SBC PIO's would now be working for that Incident Management Team's PIO.

For large incidents, such as the Whittier or Rey Fire, there were 12 additional PIO's ordered as a Single Resource from as far away as Florida and Alaska. SBC's PIO Section will usually handle the local media requests due to existing relationships and knowledge of the area, but the others may do interviews as well. Primarily, the other PIOs will answer phone banks, go to temporary kiosks that have been placed near local businesses to answer incident information, as well as update InciWeb and social media. The updated information on acres burned and containment percentage is released during the morning and night briefing.

A formal press conference will usually take place at the request of the Incident Commander. This is to disseminate specific information that is necessary to get out to the public. Additionally, representatives from Cooperating Agencies and Elected Officials will be on hand to answer questions.

Every attempt is made by the PIOs to assist media with access, articles, and accurate information during incidents.

InciWeb is updated throughout the day and can be found at <https://inciweb.nwcg.gov>

 Media Guide InciWeb

Progressive Hose Packs

 Media Guide Progressive Hose Packs

Over 300,000 feet of hose line was used during the Whittier Fire.

Hose packs can be carried on the back or front of a firefighter (or both) to extend a line in attacking a fire. They are usually left at the scene for future mop-up and replaced with new packs at Base Camp. Due to the terrain and single jacket cotton design, they can tear or burst while in operation. A new section then replaces the old one. They pose additional hazard as they may have been dragged over poison oak and then handled by personnel.

Hose packs are folded and carried in a pack that can be easily deployed on a vegetation fire. They consist of;

 Media Guide Progressive Hose Packs-2

- 1 100' section of 1 1/2" single jacketed cotton hose.
 - 1 100' section of 1" single jacketed cotton hose.
 - 1 1 1/2" Gated Wye
 - 1 1 1/2" to 1" reducer
 - 1 Nozzle
-

SBC Crew 1-1 and 1-2

SBC has two hand crews. Crew 1-1 works 4/10 hour days Sunday-

 Media Guide Patrol and Crew Supt.

Wednesday, and Crew 1-2 works 4/10 hour days Wednesday-Saturday. Each crew has 15 crew members and a Crew Boss. They are supervised by a Captain, who is the Crew Superintendent. They are an "All Risk" crew and can be dispatched anywhere in the state.

Patrol and Crew Supt.

4 x 4 pickup with 150 gallon tank and pump. It carries additional hose, emergency supplies, fuel, and parts for equipment. One will

 Media Guide Crew Buggy

respond with each of the two crews and the other is assigned to the Captain who is also the Crew Superintendent.

Crew Buggy

Air-conditioned transport with 4 x 4 capabilities. It carries the Hand Crew to the scene or can be parked and the crew will hike to the necessary location. It carries 15 crew members and one crew boss, as well as all of their equipment and packs.

SBC Hand Crew PPE (Personal Protective Equipment)

 Media Guide SBC Hand Crew PPE

SBC Hand Crew Pack

 Media Guide SBC Hand Crew Pack

SBC Hand Crew Tools Of The Trade

 Media Guide SBC Hand Crew Tools Of The Trade

SBC Construction Section

Media Guide SBC Construction Section

The primary mission of the section is vegetation fire suppression. The dozers are a resource for fire line construction. The personnel assigned to the section are responsible for the three dozers, transports, and a “swamper”.

The main function of the section is to fight vegetation fires with heavy equipment (such as bulldozers). **One dozer can do the work of about 60 hand crew members in building a fire line.**

The Construction Section serves many other important functions for the Department as well, such as: maintaining fire access roads, preparation for prescribed burns, hazard reduction projects, metal fabrication,

Media Guide SBC Construction Section-2

chainsaw maintenance and repair, vehicle maintenance and repair, and many other special projects. This section may also be called upon to assist during other emergencies such as floods, earthquakes, structure fires, urban search and rescue, and more.

SBC usually constructs fire lines in one of two ways: with hand crews using hand tools, or by bulldozer. Bulldozer lines are constructed by blading the ground –removing flammable plant material down to bare soil.

Dozer lines can vary in width from a single dozer blade to many dozer blades wide, depending on the type of vegetation burning. Dozers can cut line at a rate of one to eight miles an hour, but typically cut line from one to three miles per hour depending on terrain, vegetation, and conditions.

Electrical Safety & Lines Down

Media Guide Electrical Safety & Lines Down

On August 23, 2003, SBC acting Captain Howard Orr came in contact with a downed power line on a vegetation fire. He received 7,400 volts of electricity traveling throughout his body for nearly 30 seconds before he was saved by his firefighter who had to make several attempts to rescue him before he was successful.

It took several attempts to pull Orr from the downed line, which was hidden by a pile of logs the pair was trying to remove from their fire truck’s path. The electricity jolted him back with each attempt, but the firefighter ran to grab shovels from other approaching firefighters, who helped him pry Orr from the line.

A safety check-back is now initiated by dispatch to all responding units acknowledging the life-hazard if wires are known to be down.

Assume all lines are energized

Media Guide Assume all lines are energized

Power lines on the ground can be dangerous without even being touched. When an energized electrical wire comes in contact with the ground, current flows outward in all directions from the point of contact. As the current flows in all directions away from the point of contact, the voltage drops. This is called ground gradient.

Depending upon the voltage involved and other variables such as ground moisture, this energized field can extend for several feet from the point of contact. A person walking into this field can be electrocuted because of the differing potentials between each foot.

Be aware of chain link fences and water puddles as they can become energized from a downed line.

To avoid this, one should stay away from downed wires a distance equal to one span between poles until one is certain that power has been turned off.

Fire Weather

Remote Automated Weather Stations

Media Guide Fire Weather Watch and Red Flag Warning

RAWS means **Remote Automated Weather Station**. A RAWS is a tower equipped with computerized sensing equipment that samples weather conditions every hour and transmits data to a satellite. CAL FIRE uses the weather observations to calculate fire danger throughout the

day and dispatch appropriate levels of resources to incidents.

CAL FIRE has 78 permanent RAWS located throughout the state. In addition, CAL FIRE has 21 portable RAWS used to monitor weather conditions at emergency incidents and during control burns. The weather stations are part of an interagency network of over 350 RAWS located throughout the state and utilized by CAL FIRE and other wildland fire-fighting agencies.

[For Santa Barbara County and Southern California it can be found here.](#)

Fire Weather Watch and Red Flag Warning:

A fire weather watch or red flag warning simply indicates a state of readiness (there is no actual flag).

 Media Guide Fire Weather Watch and Red Flag Warning-2

The **National Weather Service** in Oxnard initiates the process. If the NWS believes weather conditions could exist in specified zones over the next 12-72 hours which may result in extreme fire behavior, they will notify the SBC of a fire-weather watch. SBC will notify the media, the Santa Barbara County Board of Supervisors, and the public after written notification from the NWS. A red flag warning is issued for events that will occur within 24 hours.

These watches and warnings are called because of a combination of **high temperatures, low humidity, and high winds**. They can also be issued when there is a possibility of dry lightning. The concern is that if a fire starts in those conditions, it has a better chance of spreading very rapidly and erratically.

During a Red Flag Warning, SBC will upstaff personnel or proactively stage equipment along the South Coast. There also may be parking restrictions in high-risk areas.

Enforcement & Investigation

“When you have eliminated the impossible, whatever remains, however improbable, must be the truth.” - *Sir Arthur Conan Doyle*

“The cause is under investigation.”

For the media, this can be a frustrating response as to the cause of a vegetation (or any) fire. You can see that the fire started near the road and don't understand why a cause can't be released quickly?

SBC's Investigators utilize **“The Scientific Method”** in determining the cause of a fire. Take the roadside fire. What caused it? And **where is the Point of Origin?**

- Power lines (down due to weather, bird, mylar balloon)
- Passing vehicle (dragging a chain, catalytic converter, thrown object)
- Pedestrian
- Weather
- Near a neighborhood (juveniles)
- Near a ranch (cutting, welding, grinding)
- Arson
- Vehicle accident
- Vehicle fire
- Railroad
- Mower or power equipment
- Check with CHP or Sheriff for any similar reports in the area

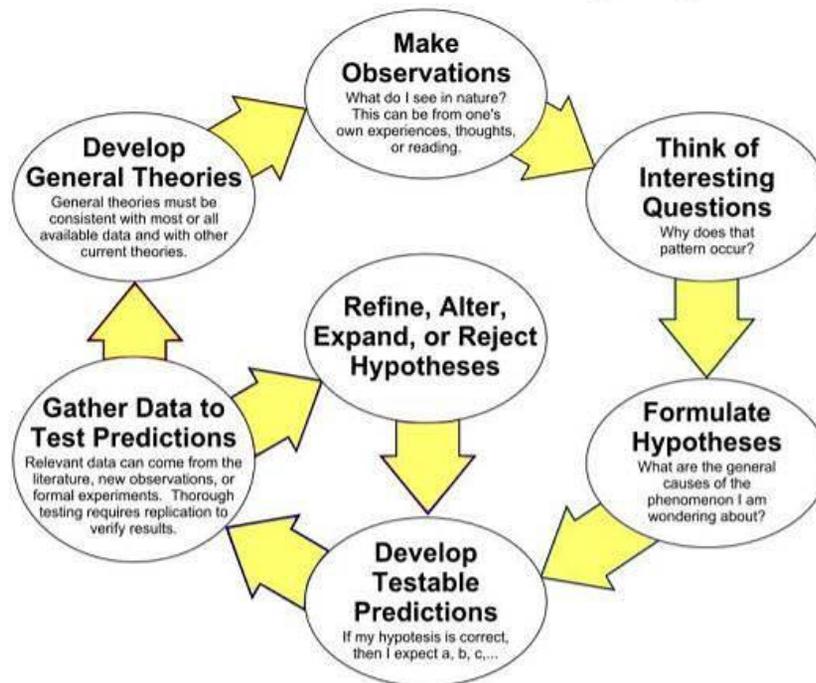
The reason for using this method is to **confirm or discredit a cause**. The Investigators have Peace Officer Powers in addition to being Firefighters. They work closely with other agencies including the District Attorney, as well as insurance companies, to determine a cause. They also may testify in court regarding their conclusions. **For the 10% of the time you see them at a scene, they will spend another 90% working on the investigation, writing reports, conducting interviews, etc.**

Sometimes the fire cause may be **“undetermined”**. This is because the Investigators need to be able to confirm-without a doubt-in order to state a specific cause. If it's possible that two or more causes, such as the one mentioned above, are responsible for starting a fire, it would be listed as “undetermined”

This cause can also help in the future if similar fires occur and it's later determined that it was the act of an arsonist. The earlier fire cause can now be reexamined and compared with the new fire because it was not given a specific irrefutable cause.

Simply put, for legal reasons, they can not release any information until a cause has been determined, agreed upon, and vetted. If it seems very similar to a law enforcement investigation, it's because it is one.

The Scientific Method as an Ongoing Process



All Fires Are Considered Crime Scenes Until Proven Otherwise

Please be mindful of the point of origin and nearby area. Stay a distance away as to not contaminate the scene with footprints, tire marks, etc.

Our Investigators, if time permits, are willing to accommodate the media and allow access from outside the Area of Origin at the scene once they have completed their work.

SBC has a team of two Engineer/Inspectors and one Captain that investigate several hundred cases a year in addition to their regular duties.

Vegetation Fire Vocabulary

Parts Of A Vegetation Fire

- **Point Of Origin** - The precise location where a competent ignition source came into contact with the material first ignited and sustained combustion occurred.
- **Head Of A Fire** - The side of the fire having the fastest rate of spread.
- **Flank Of A Fire** - The part of a fire's perimeter that is roughly parallel to the main direction of spread.
- **Rear Of A Fire** - That portion of a fire edge opposite the head. The slowest spreading portion of a fire edge. Also called heel of a fire.
- **Fire Perimeter** - The entire outer edge or boundary of a fire.
- **Fingers Of A Fire** - The long narrow extensions of a fire projecting from the main body.
- **Pockets Of A Fire** - Unburned indentations in the fire edge formed by fingers or slow burning areas.
- **Island** - Area of unburned fuel inside the fire perimeter.
- **Spot Fire** - Fire ignited outside the perimeter of the main fire by a firebrand.

Fire Behavior Terms

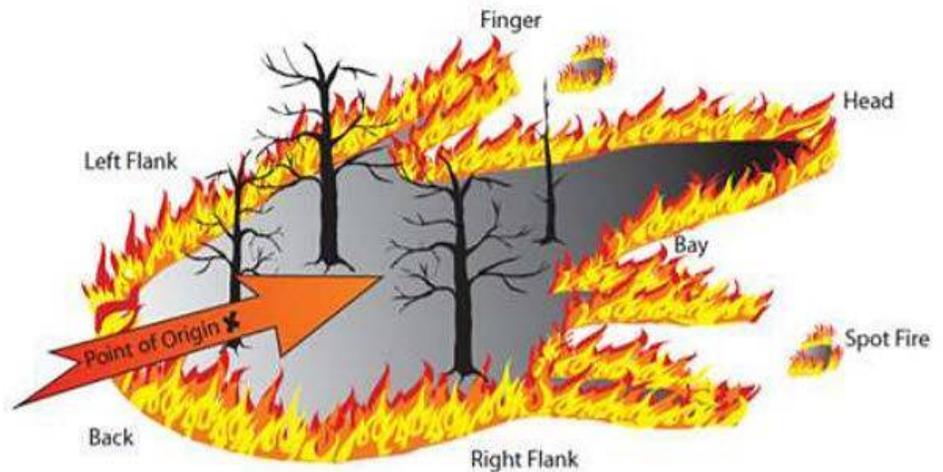
- **Smoldering** - Fire burning without flame and barely spreading.
- **Creeping Fire** - Fire burning with a low flame and spreading slowly.
- **Running Fire** - Behavior of a fire spreading rapidly with a well defined head.

- **Spotting** - Behavior of a fire producing sparks or embers that are carried by wind which start new fires beyond the zone of direct ignition by the main fire.
- **Torching** - The burning of the foliage of a single tree or a small group of trees, from the bottom up.
- **Crown Fire** - A fire that advances from top to top of trees or shrubs more or less independently of the surface fire.
- **Flare Up** - Any sudden acceleration in the rate of spread or intensification of the fire. Unlike a blowup, a flare-up is of a relatively short duration and does not change existing control plans.
- **Fire Whirl** - Spinning vortex column of ascending hot air and gases rising from a fire and carrying a lot of smoke, debris, and flame due to erratic winds. Fire whirls are common and range in size from

less than one foot to over 500 feet in diameter and can range from 10 to over 4,000 feet in height. Large fire whirls have the intensity of a small tornado with winds from 20 mph-70 mph, they are mostly

found on the leeward side of a ridge. They're dangerous also because they can carry embers and start new spot fires.

- **Backing Fire** - That portion of a fire with slower rates of fire spread and lower intensity, normally moving into the wind and/or down slope.
- **Flaming Front** - That zone of moving fire where the combustion is primarily flaming.



Vegetation Fire Vocabulary

Useful Firefighting Terms

- **Anchor Point** - An advantageous location, usually a barrier to the fire spread, from which to start construction of a fire line. The anchor point is used to minimize the chance of being flanked by the fire while a line is being constructed.
- **Control Line** - An inclusive term for all constructed or natural barriers and treated fire edges used to contain a fire.
- **Fireline** - The part of a containment or control line that is scraped or dug to mineral soil.
- **Mop-Up** - Extinguishing or removing burning material near control lines, and trenching logs to prevent rolling after an area has burned, to make a fire safe, or to reduce residual smoke.
- **Contained** - The status of a wildfire suppression action signifying that a control line has been completed around the fire, and any associated spot fires, which can reasonably be expected to stop the fire's spread.
- **Controlled** - The completion of control line around a fire, any spot fires, and any interior islands to be saved. Burn out any unburned area adjacent to the fire side of the control lines. Cool down all hot spots that are immediate threats to the control line, until the lines can reasonably be expected to hold under foreseeable conditions.
- **Green** - The area of unburned fuels next to the involved area is called the green.
- **Black** - The area opposite the green, it is the area in which the fire has consumed or "blackened" the fuels.
- **Direct Attack** - Is action taken directly against thermals at its edge or closely parallel to it. It is possible to mount both a direct and indirect attack on the same fire.
- **Indirect Attack** - Is used at varying distances from the advancing fire. Starting at an anchor point, a line is constructed some distance from the fire's edge and the unburned intervening fuel is burned out. This method is generally used against fires that are too hot, too fast, or too big for a direct attack.
- **Running Attack** - Use of a Type 3 Brush Fire Engine's unique pumping water capability while in motion. A firefighter is walking near the apparatus with a small hose line quickly knocking down the edge of a fire.

Flame Height

- 0-4' Firefighters can battle safely.

Safety Zones

- 4x the height of flames (distance you should be away from)
- 10' flame height = 40' away
- 20' flame height = 80' away
- 50' flame height = 200' away

Santa Barbara County Fire Vegetation Response

First Alarm (High Fire Season)

- 4 Engines
- 2 Dozers
- 1 Water Tender
- 1 Battalion Chief
- 1 Helicopter
- 2 Hand Crews
- 1 Air Attack
- 2 Air Tankers

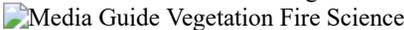
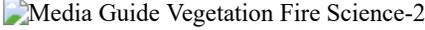
Second Alarm

- 4 Engines
- 2 Dozers
- 1 Water Tender
- 1 Battalion Chief
- 1 Division Chief
- 1 Safety Officer
- 1 PIO
- 1 Helicopter
- 2 Hand Crews
- 1 Air Attack
- 2 Air Tankers

Additional resources will also respond accordingly or can be ordered by the Incident Commander.

Vegetation Fire Science

Topography Influences Fire

- **Aspect** - The aspect is the direction a slope is facing. (Its exposure in relation to the sun) On the South Coast of Santa Barbara County, the Santa Ynez Mountain Range is the only one in  California with a true east-west direction, which means that the front country side of the range is exposed to direct sunlight throughout the day, unlike other ranges in Southern California. This has played a significant role in large wildfires on the South Coast through more exposure to higher temperatures, lower humidity, and lower fuel moisture. A north facing aspect will have less fire activity than a south facing slope.
- **Slope** - The amount or degree of incline of a hillside (a steep slope). Fire burns more rapidly uphill than downhill. The steeper the slope, the faster the fire burns. The reason is that the fuels above are brought into closer contact with upward moving flames, and conduction/radiant heat helps the fuel catch fire more easily and quickly. The position of the fire in relation to the topography is a major factor in the resulting fire behavior. A fire on relatively level ground (like the Santa Ynez Valley floor) is primarily influenced by fuels and wind.
- **Terrain** - Certain topographic features influence the wind speed and direction.
- **Box Canyon** - Fires starting near the base of a box canyon and/or a narrow canyon may react similarly to a fire in a wood-burning stove or fireplace. Air will be drawn in from the canyon bottom creating very strong upslope drafts with rapid fire spread; also known as the chimney affect. This can result in extreme fire behavior. 
- **Ridges** - Fires burning along lateral ridges may change direction when they reach a point where the ridge drops off into a canyon.
- **Saddle** - Wind blowing through a saddle or pass in a mountain range can increase in speed as it passes through the constricted area and spreads out on the downwind side.
- **Barriers** - Any obstruction to the spread of fire. Natural barriers include; rivers, lakes, rocks. Man-made barriers are roads, highways, reservoirs, constructed fireline, etc...
- **Danger** - Fire burns 10-16 times faster up hill due to pre-heating and radiant heat. The worst place to be covering a fire is from above, looking down, and not to have a safe zone/exit plan.

Wind Effects On Fire

- Wind increases the supply of oxygen to the fire.
- Determines the direction of spread
- Increases the drying of fuels

- Carries sparks ahead of fire and creates spotting

Before The Fire

 Media Guide Before The Fire

Defensible Space

Every spring, mailers are sent to residents that live in the urban-wildland interface areas of Santa Barbara County. It describes the 100' zone required by California law* and how residents should keep their homes safe by giving firefighters a chance to save them. It also gives safety tips for dealing with vegetation fires, and the Ready! Set! Go! program.

* PRC 4291 for State Responsibility Areas (SRA) * County Code Chapter 15, Section 4908 for Local Responsibility Areas (LRA)

Covering Vegetation Fires

In Southern California, as with much of the West, wildfires used to be referenced into a season, but not any longer. Bone-dry vegetation that hasn't burned in some places for decades have made fire authorities rethink the label. For Southern California, fire season is considered year-round for the crews that battle the flames. The only discernible difference is the amount of resources that respond to the fire at different times during the year.

As the green grasses of spring dry out by May, the height of the wildfire season begins and lasts until enough measurable rain has fallen in the early winter to downgrade the ever-present threat.

In Southern California, October is usually the hottest month of the year, and with it comes the infamous Sundowner and Santa Ana Winds. These highly localized winds originating in the desert bring with them extremely strong, sustained, down-canyon gusts that can drive a fire without a chance of it being stopped. This, coupled with high temperatures and low humidity, create the perfect recipe for a major wildfire that has become an all-too familiar sight. With the building of increasing number of homes closer and closer to the urban-wildland interface, the threat of loss of property and life becomes more probable.

 Media Guide Covering Vegetation Fires

Wildfires will occur every year. Some will be snuffed out by the initial assignment, and others will become major conflagrations that could take months to put out. This is a certainty, but there are some things that you can do, as a photojournalist, to cover a wildfire aggressively, but providing for your safety first.

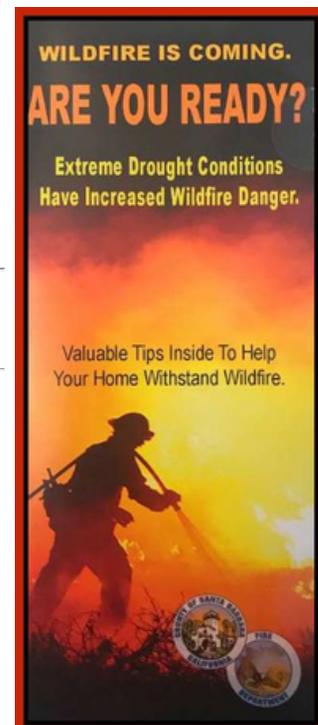
The first thing you should do is talk with your local fire agency about the threat. They know where the areas are that are more concerning to them than others. By talking to them, not only do you now know the problem areas, but the fire crews will be able to recognize you as a professional photojournalist and not have to concern themselves with the person with the camera on the scene. I have gotten past many checkpoints when others have not simply because the firefighter recognizes me.

Now that you know the problem areas, you should familiarize yourself with those areas. When you have some time, drive the roads so that you know the ways in and out of the area. Practically everyone has a GPS in their car now, but you still need to know the layout of the land. Don't bet your life on a GPS. Look for low-lying landmarks that will be seen when the smoke cuts into visibility. Drive them at night also. Firefighters utilize the concept of safety zones. These are areas large enough to park a vehicle and be safe from a wildland fire moving through the area. As you drive through your area, make a mental note of large parking lots, cleared areas, and/or open-area parks. If you feel unsafe at any point, you'll want to take refuge in one of these areas.

It would also be prudent to keep your gas tank above 1/2. You don't want to be out at the fire and be low on fuel. With earthquakes always a potential, California media should always keep their tank above 1/2. When the earth shakes, the gas stations close due to their computer systems. You don't want to miss the shot or put yourself in danger because you're driving around looking for fuel.

You should have a complete set of flame-resistant Nomex brand fire fighting clothing, and a good pair of thick-soled leather ankle-high boots. Nylon hiking boots aren't ideal because the high heat can melt the shoe as you walk across the burned area. A helmet would be your best protection, but any hat will help aid in the prevention of heat absorption through the head. A light-colored helmet will help guard against heat related illnesses. A flame-resistant long-sleeved shirt and pair of pants along with the boots and helmet will set you back about \$300. I picked up a young student photographer walking in the middle of the fire zone wearing shorts, a t-shirt and flip flops. I loaned him my other set of Nomex clothing and kept him with me until I left the fire zone.

In addition to the clothing, a fire-service shelter is strongly recommended, however they aren't cheap, about \$300-and they are one time usage-only as a last resort. If you make the purchase, be sure to have your shelter with you if you are out of your car. When driving, keep your shelter



in the car. Don't lock it in the trunk where you may not be able to get to it when you really need it. Depending on your relationship with your local fire agency, ask if you can watch one of their videos on how to deploy and use a fire shelter.

Additionally, provide plenty of water or Gatorade for yourself through the use of a camelback or extra bottles in your vehicle along with some PowerBars. You may be on the lines for an extended period of time. You will dehydrate quickly and heat-stroke is a real concern while walking the fire lines. It's a good idea also to provide eye protection & carry a tiny bottle of Visine to clean your eyes, and have on hand a couple of bandanas and/or a mask that will help with acrid smoke you will encounter.

Other personal safety items you should include is a small first-aid kit for cuts and scrapes, along with a flashlight. Be mindful of ever-present rattlesnakes also.

A radio scanner will be an invaluable tool that will not only help you get the photos by knowing where the firefighters are working, and aircraft are making drops, but also keep you informed of any dangers being encountered by the forces battling the blaze.

During a major incident, such as in a National Forest, you will be required to check in at the base camp and there you will be outfitted with the appropriate flame resistant gear. You will then be escorted into the fire area with a qualified fire-media liaison.

Now that your personal safety is addressed, you should get to know a little about the fire you're covering-safely.

Remember that wildfires are fast moving and extremely dangerous. Firefighters have 10 standing orders and 18 watch-out situations they must always be aware of when battling a brush fire and these have been modified for the photojournalist.

Ten Standing Orders

1. Keep informed on fire weather conditions and forecasts.
2. Know what your fire is doing at all times.
3. Base all actions on current and expected behavior of the fire.
4. Identify escape routes and safety zones and make them known
5. Post a lookout when possible danger.
6. Be alert. Keep calm. Think clearly. Act decisively.
7. Maintain communications with your co-workers.
8. When fire crews give you instructions, make sure they are understood. Always follow these instructions.
9. Maintain control of the people you are with at all times.
10. Be aggressive in your photographing of wildfire, having provided for safety first.

Lookout

Communication

Escape Route

Safety Zone

Eighteen Watch-Out Situations

1. Fire not sized up properly.
2. Fire burning in an area you have not seen in daylight.
3. Safety zones and escape routes not identified.
4. Unfamiliar with weather and local factors influencing fire behavior.
5. No knowledge of hazards present. (wires down, 5 gal propane tanks, etc)
6. Be aware of aircraft making drops.
7. Be aware of flame length, type of fuel burning, direction and speed of wind.
8. Positioned mid-slope of fire.
9. Walking downhill to fire. Remember fire burns 4x faster up hill.
10. Positioning yourself at the front or head of the fire.
11. Unburned fuel between you and the fire.
12. Cannot see main fire, not in contact with anyone who can.
13. On a hillside where rolling material can ignite fuel below.
14. Weather is getting hotter and drier.
15. Wind increases and/or changes direction.
16. Getting frequent spot fires.
17. Terrain and fuel make escape to safety zones difficult.
18. Do not block the roadway with your vehicle.

What Info SBC Will And Will Not Release

Releasable Information

Only the following information shall be provided to the media.

Incident type and location, call time, who is affected, cause, duration of incident, resources that responded, jurisdiction, cooperating agencies, and current situation.

Information concerning fire investigations will be released once the investigation is complete. The outcome of the investigation will be released via a news release.

SBCFD will not release any information concerning an ongoing investigation.

Non-Releasable information

The Health Insurance Portability and Accountability Act (HIPAA) guarantees privacy of individuals' medical records. No health and or medical information can be released without the patient's written consent.

 Media Guide Access At Incident Scenes

Reasons For Denying Access To The Media



 Media Guide Reasons For Denying Access To The Media

Types Of Engines



[Type 1 Engine](#)

[More Info](#)



Type 3 Engine

[More Info](#)

Types Of Fixed-Wing Aircraft and Helicopters



B Ae-146



OV 10A "Bronco"



Beechcraft King Air 200



AH-1 Firewatch "Cobra"



DC-10



Grumman S-2T



•

Sikorsky S-61



•

Sikorsky S-64 "Skycrane"



•

Sikorsky S-70 "Firehawk"



•

Eurocopter AS332L "Super Puma"



•

Boeing-Vertol 107 "Vertol"



•

Boeing 234 "Chinook"



•

Kaman "K-Max"



Bell 212



UH-1H "Super Huey"



Bell 205 A++



Lockheed C-130



UH-60 "Blackhawk"



Boeing CH-46 "Sea Knight"



CH-47 "Chinook"



•

737-300



•

747-400



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MD-87

SBC Radio Channels

Command Channel Frequency	Tactical Channel Frequency
• Command 1 (Dispatch) 153.770	• Tactical 7 155.595
• Command 2 153.905	• Tactical 8 154.845
• Command 3 153.980	• Tactical 9 154. 650
• Command 4 156.135	• Tactical 10 155.640
• Command 5 154.875	• CDF/Tactical 11 151.445
• Command 6 150.995	• Tactical 12 153.830
	• Tactical 13 154.190

	<ul style="list-style-type: none"> • CDF/Tactical 14 151.190
	<ul style="list-style-type: none"> • Tactical 15 155.970
	<ul style="list-style-type: none"> • CALCORD 156.075

Incident Management Team (IMT)

Santa Barbara County is unique in that it has established a IMT-3 team. With cooperation from all of the fire agencies in the county along with the SB County Sheriff and California Highway Patrol. It is an “All-Risk” Type-3 Team and can respond and manage any incident such as a hazardous materials spill or vegetation fire

Type 3: State or Metropolitan Area Level

A standing team of trained personnel from different departments, organizations, agencies, and jurisdictions within a state or DHS Urban Area Security Initiative (UASI) region, activated to support incident management at incidents that extend beyond one operational period. Type-3 IMTs will respond throughout the state or large portions of the state, depending upon State-specific laws, policies, and regulations.

Type 2: National and State Level

A federally or state-certified team; has less training, staffing and experience than Type-1 IMTs, and is typically used on smaller scale national or state incidents. There are thirty-five Type-2 IMTs currently in existence, and operate through interagency cooperation of federal, state and local land and emergency management agencies.

Type 1: National and State Level

A federally or state-certified team; is the most robust IMT with the most training and experience. Sixteen Type-1 IMTs are now in existence, and operate through interagency cooperation of federal, state and local land and emergency management agencies.

An incident management team consists of five subsystems as follows:

- **Incident command system (ICS)** – an on-scene structure of management-level positions suitable for managing any incident;
- **Training** – including needs identification, development, and delivery of training courses;
- **Qualifications and certification** – the United States has national standards for qualifications and certification for ICS positions;
- **Publications management** – the development, control, sourcing, and distribution of National Incident Management System (NIMS) publications provided by the National Wildfire Coordinating Group (NWCG); and
- **Supporting technology and systems** – technology and materials used to support an emergency response, such as Geographic Information Systems (GIS), orthophoto mapping, National Fire Danger Rating System, remote automatic weather stations, automatic lightning detection systems, infrared technology, and communications.

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APPENDIX F



FIRE BEHAVIOUR

Victoria is one of the most fire-prone areas in the world. Bushfires and grassfires start quickly, often without warning and they can threaten lives and properties within minutes.

There's no questioning the facts. During a fire, embers can travel up to 40 kilometres ahead of the fire front and fire speeds can reach over 25 kilometres per hour.

Remember, on high-risk fire days, leaving early before a fire starts, is always the safest option.

Facts of fire



(Video courtesy of Vic Emergency Website)

Terrain (topography)

A fire will burn faster uphill. This is because the flames can easily reach more unburnt fuel in front of the fire. Radiant heat pre-heats the fuel in front of the fire, making the fuel even more flammable.



For every 10° slope, the fire will double its speed. For example, if a fire is traveling at 5 km per hour along flat ground and it hits a 10° slope it will double in speed to 10 km per hour up the hill.

By increasing in speed the fire also increases in intensity, becoming even hotter.

The opposite applies to a fire traveling downhill. The flames reach less fuel, and less radiant heat pre-heats the fuel in front of the fire. For every 10° of downhill slope, the fire will halve its speed.

Fires tend to move more slowly as the slope decreases.

Vegetation (Fuel)

- Grass can burn early and quickly on hot, dry, windy days.
- Branches, twigs and leaves dropped from shrubs and trees become fine fuels, which burn easily. These can give off far more heat when they burn
- Fibrous and dry tree bark can carry fire to treetops. The fire can then break away and spread further
- Dry branches, twigs and leaves and other fine fuels found on the ground can also burn easily.

Weather Conditions

Bushfires are unpredictable and vary greatly according to weather conditions. They often start on hot, dry, windy days.

Temperature

A string of hot days dries out vegetation, making it easier to burn. This can be made even worse by underlying dry conditions caused by lack of rain.

The drier the vegetation the easier it will burn.

A fire spreads as a result of burning embers, radiant heat and direct flame contact.

Wind

Wind influences the:

- **speed** at which a fire spreads
- **direction** in which a fire travels and the size of the fire front
- **intensity of a fire** – wind provides more oxygen
- likelihood of **spotting** – burning pieces of leaves, twigs and bark (embers) that the wind carries ahead of the fire. These cause new ‘spot fires’ to ignite.

Wind Change

A change in wind direction is one of the most dangerous influences on fire behaviour. Many people who die in bushfires get caught during or after a wind change.

In Victoria, hot, dry winds typically come from the north and northwest and are often followed by a southwest wind change. In this situation the side of the fire can quickly become a much larger fire front.

Facts of fire - Wind speed



(Video courtesy of Vic Emergency Website)

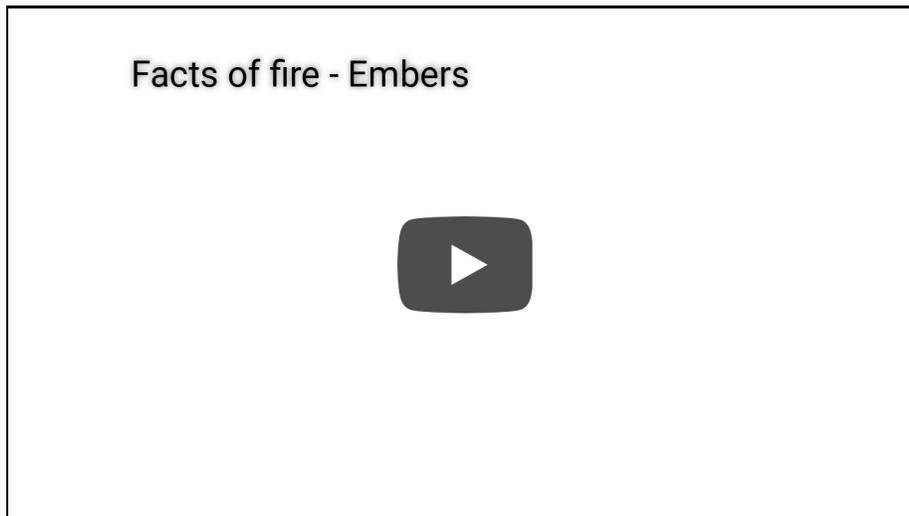
What is an Ember Attack?



- Embers are burning twigs, leaves and pieces of debris
- Ember attack occurs when twigs and leaves are carried by the wind and land on or around houses
- Ember attack is the most common way houses catch fire during bushfires
- Embers can land on top of debris in your gutters and set fire to your house
- Ember attack can happen before, during and after the

bushfire.

- Fire embers are glowing hot and remain after or precede a fire. Embers are often as hot as the fire which created them.
- During a fire, embers can travel up to 40 kilometres, starting spot fires well ahead of the fire-front – often without warning.
- There's no questioning the facts, leaving a high fire-risk area early is always the safest option.



(Video courtesy of Vic Emergency Website)

Spot Fires

The term spot fire describes a fire ignited outside of a burning unit as a result of a windborne ember (sometimes referred to as a firebrand).

- Spot fires can start new bushfires well ahead of the main fire front.
- In large fires, there's the potential for many spot fires

to start and quickly join together, blocking a safe escape.

- There's no questioning the facts, your garden hose is no match for spot fires so leaving a high fire-risk area early is always the safest option.



(Video courtesy of Vic Emergency Website)

Radiant Heat

Radiant heat is the heat you feel from a fire. It is the biggest killer in a fire. The best protection is distance.



Protection from radiant heat

- Make sure all skin is covered.
- Do not wear shorts, t-shirt and thongs.

- Cover up as soon as you are aware of a fire in your area.
- A solid object, such as a brick wall, can provide some protection from radiant heat.
- Distance is the best protection from radiant heat. Move as far away from the fire as you can, don't get caught out in the open.
- During a bushfire, the atmosphere will literally feel like hell on earth.
- Flame temperatures can reach up to 1100°C and radiant heat fluxes high enough to vaporise vegetation, only adding speed to the scorching hot flames.
- There's no questioning the facts, if you are stuck in a bushfire, your chances of survival are slim. Leaving early is always the safest option.



(Video courtesy of Vic Emergency Website)

Clothes to Wear:

- a long-sleeved, collared shirt made from cotton or wool
- pants made from cotton or some other natural fibre
- sturdy boots and woollen socks
- tough leather garden gloves – not rubber or synthetic
- a wide-brimmed hat to protect your head
- a face mask (P2 type) or towel to cover your mouth and nose
- eye protection such as smoke goggles to shield your eyes.

Protective clothing and a solid shield may NOT save your life.

If you're in a car

Do not travel on roads when there is a fire in your area. Late evacuation is extremely dangerous and can result in serious injury or death – always plan to leave early to avoid this situation. If you encounter smoke or flames and are **not** able to turn around and drive to safety, as a last resort:

1. Position the car to minimise exposure to radiant heat:

- Park away from dense bush – try to find a clearing
- If possible, park behind a barrier such as a wall or rocky outcrop
- The car should ideally face **towards** the oncoming fire front
- Park off the roadway and turn hazard lights on. Car crashes are common in bushfires due to poor visibility.

2. To increase your chances of survival:

- Stay in the car and tightly close windows and doors
- Cover up with woollen blankets and get down below window level – **this is your highest priority**
- Drink water to prevent dehydration

3. As soon as you become aware that the fire front is close by:

- Shut all vents and turn the air conditioning off.
- Turn engine off
- Be prepared: if you drive in high-risk areas, keep woollen blankets in your car. This is an essential precaution during the warmer months



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APPENDIX G



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March 20, 2019

Planning Commission of Monterey County
Monterey County Resource Management Agency
Attn: Mike Novo
1441 Schilling Place – South, 2nd Floor
Salinas, CA 93901
Sent via email: novom@co.monterey.ca.us

Re: Paraiso Springs Resort, Project No. PLN040183

Dear Mr. Novo and Commissioners,

Our office has reviewed the Final Environmental Impact Report (“FEIR”) and the Recirculated Draft Environmental Impact Report (“DEIR”) for the proposed Paraiso Springs Resort Development (“Project”) and respectfully submits the following comments. We request that you consider our comments prior to certifying the FEIR. We spoke with County Counsel and staff on March 20, 2019 and alerted them we would be submitting comments prior to your consideration of the FEIR at your March 27, 2019 Planning Commission meeting.

The Attorney General’s Office submits these comments pursuant to the Attorney General’s independent power and duty to protect the environment and natural resources of the State from pollution, impairment, or destruction, and in furtherance of the public interest. (See Cal. Const., art. V, § 13; Gov. Code, §§ 12511, 12600-12612; *D’Amico v. Bd. of Medical Examiners* (1974) 11 Cal.3d 1, 14-15.)¹ In the wake of the State’s deadliest wildfires this past year and the increased occurrence of fires anticipated throughout the State in coming years, it is particularly important that local jurisdictions carefully review and consider new developments in fire prone areas. This is particularly important for new developments proposed in the wildland urban interface or in other relatively undeveloped and remote areas, like the area where the Project is proposed.

Paraiso Springs Resort, LLC, proposes to develop a spa resort along the floor of a canyon in the foothills at the end of rural Paraiso Springs Road in a “very high fire sensitivity

¹ This letter is not intended, and should not be construed, as an exhaustive discussion of the FEIR’s and DEIR’s compliance with the California Environmental Quality Act (“CEQA”) or the Project’s compliance with other applicable legal requirements.

zone.” The Project site is bordered to the east by grazing and farm land, and to the north, south and west by the Santa Lucia Mountains. (DEIR 2-1.) The Project site was previously operated as a commercial hot springs resort beginning in 1874. (DEIR 3-137.) The site has seen several fires over the years that have destroyed various structures on the Property, including a fire in 1891 that destroyed one of the more substantial buildings on the property, a fire in 1928 that destroyed the hotel, the bathhouse, a garage, the dance hall, and some other smaller buildings, and another major fire in 1954 that destroyed the rebuilt hotel and annex. (DEIR 2-15, 3-137-3-138.)

Paraiso Springs Road, the sole ingress and egress to the site,² is a narrow, two-lane road varying in width from 16 to 22 feet that dead ends at the Project site. (DEIR 2-45.) The road currently serves approximately 90 vehicles per day associated with single-family residences and local vineyards. (DEIR 3-329.) The Project would include the development of 103 hotel rooms, 77 multi-bedroom timeshare units, three restaurants, entertainment facilities, and various spa amenities at the end of this narrow two-lane rural road. (DEIR 2-17 – 2-18.) It is anticipated that there would be several hundred people at the resort on peak days. With the Project at 100% occupancy, there would be over 400 additional vehicle trips per day on the road. (DEIR 3-336.)³ Additionally, because of parking limitations at the proposed Project site and limitations with the capacity of the rural access road, the Project proposes to shuttle in many of the guests and 90% of all employees from a parking lot nearly two miles away. (DEIR 3-335 – 3-336.)

Monterey County, as the lead agency, has prepared a FEIR for the proposed Project. Despite the acknowledgment that the Project is located in a “very high fire sensitivity zone,” the FEIR fails to adequately address the risk of fire in several important respects.⁴

² In response to CalFire’s comments on the DEIR, the FEIR suggests that there is a service road for ingress and egress at the rear of the development. (FEIR, Response to comment letter No. 18, 2-12.) The response cites to maps within the DEIR. (*Ibid.*) These maps show service roads *within* the development, but these roads do not appear to provide ingress and egress *to the Project site*.

³ We note that several commenters questioned whether the traffic analysis for the Project underestimated the trips that will be associated with the Project. (See, e.g., FEIR, Comment Letter 10 (p 20-23).) While we have not evaluated the adequacy of the traffic analysis, we are concerned that the number of visitors accessing the site may be even higher than anticipated in the FEIR, which would exacerbate our concerns regarding the risks associated with wildfires and the FEIR’s inadequate analysis of those risks.

⁴ We understand that LandWatch submitted comments to the County on January 15, 2019 raising many of these same issues. The FEIR does not include a response to these comments.

I. THE FEIR MUST ANALYZE THE INCREASED RISK OF WILDFIRE THAT WILL RESULT FROM THE PROJECT.

The FEIR does not, but should, analyze the increased risk of wildfire that will result from siting the proposed development within a high fire sensitivity zone. The DEIR discussed emergency access to the site in the event of fire and onsite measures to provide fire protection.⁵ However, the DEIR did not disclose that locating new development in a high fire sensitivity zone will itself increase the risk of fire and, as a result, increase the risk of exposing existing residents in the area as well as guests and employees of the resort to an increased risk of fire. (See CEQA Guidelines Section 15126.2, subd. (a) [requiring the evaluation of potentially significant environmental impacts of locating development in areas susceptible to hazardous conditions such as wildfire risk areas, especially as identified in hazard maps and risk assessments].)⁶ It is well-accepted that building in wildland areas increases the risk and severity of fires.⁷ The California

⁵ A preliminary fire protection plan was prepared for the Project. (DEIR 2-55.) Fire protection elements include hydrants, sprinkler systems, and the use of fire-resistant building materials. (DEIR 2-55 – 2-56.) The Project also includes vegetation management for defensible space. (See e.g., DEIR 3-81 – 3-80.) Cal Fire’s Department of Forestry and Fire Protection commented on, among other issues, the adequacy of the vegetation management discussed in the DEIR. (FEIR Comment Letter 18.) In response to these comments, the FEIR simply refers back to the DEIR and does not provide any additional commitments or project modifications. (FEIR, Responses to Comment Letter 18, 2-12.)

⁶ Our comments are based on the CEQA Guidelines in effect prior to the recent 2019 update, but it is worth noting that the update confirms and clarifies the need to consider wildfire risks as part of the environmental review for new developments subject to CEQA.

⁷ See, e.g., Rapid Growth of the U.S. Wildland-Urban Interface Raises Wildfire Risk (February 6, 2018) (<https://www.pnas.org/content/pnas/115/13/3314.full.pdf>); *New York Times*, Climate Change is Fueling Wildfires Nationwide, New Report Warns (November, 2018) (<https://www.nytimes.com/interactive/2018/11/27/climate/wildfire-global-warming.html>); *Scientific American*, Living on the Edge: Wildfires Pose a Growing Risk to Homes Built Near Wilderness Areas (<https://www.scientificamerican.com/article/living-on-the-edge-wildfires-pose-a-growing-risk-to-homes-built-near-wilderness-areas/>); *USDA*, Wildfire, Wildlands, and People: Understanding and Preparing for Wildfire in the Wildland-Urban Interface (January 2013) (https://www.fs.fed.us/rm/pubs/rmrs_gtr299.pdf). While these articles and reports largely focus on the risks of locating housing within fire-prone areas, the same risks would appear to apply for commercial establishments offering overnight lodging. The issue with locating development in these areas is that most fires are human induced, so bringing people into wildland areas creates an increased risk that fire will occur. (*Ibid.*) In addition, the risks of fire are exacerbated because development in wildland areas alters the natural environment (e.g., it fragments native vegetation, introduces nonnatives species, and disturbs soils). (See Rapid Growth of the U.S. Wildland-Urban Interface Raises Wildfire Risk (February 6, 2018) (<https://www.pnas.org/content/pnas/115/13/3314.full.pdf>)). Further, fire management in developed wildland areas is more challenging because it is more difficult to fight fires in these

Supreme Court has confirmed that this kind of risk must be considered as part of the CEQA analysis for a proposed project. (*California Building Industry Assn. v. Bay Area Air Quality Management Dist.* (2015) 62 Cal.4th 369, 388 [holding that while CEQA does not require consideration of the environment's effect on a project, it does require analysis of the project's impacts on the existing environment].)

Concerns regarding the Project's impact on the occurrence of wildfires were raised in public comments on the DEIR. For example, Lois Panziera noted that "[w]hen more people are added to a high severity fire area, the potential for fires will occur." (FEIR, Letter 7, Comment 75.) In response, the FEIR simply refers back to the DEIR. (FEIR 2-58 – 2-59.) However, as explained above, the DEIR did not address the increased risk of fires that will result from locating new development within a high fire sensitivity zone. The County should address these issues prior to certifying the FEIR.

II. THE FEIR SHOULD ADDRESS EVACUATION IN THE EVENT OF FIRE.

Based upon the onsite fire fighting infrastructure (sprinkler systems, etc.) and the Project proponent's commitment to develop a fire protection plan, the DEIR concludes that the "occupants would be protected to the extent possible in the case of fire" such that the potential impacts associated with wildfire hazards would be less than significant. (DEIR 3-215 – 3-216.) The DEIR describes emergency access to the site, but does *not* address: (i) the evacuation of employees and guests in the event of a fire, (ii) the increased challenges that existing users of the sole ingress and egress road will face in the event of an evacuation due to the added users on the road, or (iii) the increased challenges that firefighters and emergency responders would face accessing the site and preventing the spread of a wildfire due to the simultaneous evacuation of guests and employees from the Project and neighboring areas. The EIR should include a more robust discussion of the fire hazards and describe the evacuation plan for guests and employees, as well as neighboring residents and existing users of Paraiso Springs Road. (See *Clews Land & Livestock, LLC v. City of San Diego* (2017) 19 Cal.App.5th 161, 194 [discussing whether or not the EIR adequately considered the risk of fire to future users of the project site, including acceptable evacuation plans]; *California Clean Energy Committee v. County of Placer* (Cal. Ct. App., Dec. 22, 2015, No. C072680) 2015 WL 9412772 [concluding that the EIR failed to adequately evaluate evacuation issues associated with the project].)

In response to public comments, including from CalFire's Department of Forestry and Fire Protection, asking about evacuation plans (see Comment Letter 18 starting on FEIR 2-11), the FEIR promises that a final Fire Protection Plan that includes evacuation procedures will be developed. (FEIR 2-12.) Meaningful analysis of the risk of fire and evacuation plans should not be deferred until after the FEIR is certified and the Project is approved. (See CEQA Guidelines

landscapes and fire management strategies that allow natural fires to burn are not an option. (*Ibid.*; see also *USDA, Wildfire, Wildlands, and People: Understanding and Preparing for Wildfire in the Wildland-Urban Interface* (January 2013) (https://www.fs.fed.us/rm/pubs/rmrs_gtr299.pdf).

Section 15126.4(a)(1)(B).) While the deferment of mitigation measures may sometimes be appropriate, here no basis has been provided for why the evacuation plan was not already prepared as part of the DEIR or FEIR, nor have any performance standards or potential mitigation measures been identified. (*Ibid*; see also, e.g., *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 671 [mitigation measure that included development of a post-FEIR management plan was found to be improperly deferred mitigation where no basis was provided for why the development of mitigation measures needed to be deferred to future plans and, no specific criteria, performance standards, or potential mitigation measures were set forth in the EIR].) In addition, based on the discussion in the DEIR, we are concerned that the Fire Protection Plan, when it is developed, may not adequately address the totality of issues related to evacuation (see above).

III. THE PROJECT MUST COMPLY WITH THE REQUIREMENTS FOR STATE RESPONSIBILITY AREAS.

The Project is located in a State Responsibility Area, which is an area for which the Board of Forestry and Fire Protection has designated the State to be financially responsible for preventing and suppressing fires. (Pub. Resources Code, § 4102.) Local jurisdictions may adopt standards for wildfire protections in State Responsibility Areas, but those standards must be at least as stringent as the State's minimum standards and be certified by the State. (Pub. Resources Code, § 4117.) Monterey County has adopted standards for this purpose. (Monterey County Code, §§ 18.56.010 – 18.56.100.) The proposed Project does not appear to comply with these standards.

First, Paraiso Springs Road is a dead end road that terminates at the proposed Project location. Both the County and State standards limit dead end roads to a cumulative length not to exceed 5,280 feet. (Monterey County Code § 18.56.060(11); Cal. Code. Regs., tit. 14, § 1273.09.) The Paraiso Springs Road that would serve as the sole ingress and egress for the Project is 1.9 miles long or 10,032 feet according to Google maps, nearly double the allowable limit. The FEIR and DEIR do not address the Project's failure to comply with the length limitation for dead end roads in State Responsibility Areas.

Second, the width of Paraiso Springs Road will not comply with the local or State standards. State standards generally require a minimum of two 10-foot traffic lanes. (Cal. Code Regs., tit. 14, § 1273.01.)⁸ The Project proposes to widen “*the majority of Paraiso Springs Road to either 18 or 20 feet wide.*” (DEIR 3-340.) However, the FEIR explains that the road will only be widened “*where feasible.*” (FEIR 2-10). The Project proponent should commit to widening not just a majority of the road, but the entirety of the road, to a distance that complies with the applicable standards.

⁸ The County requires that all roads have a minimum of two 9-foot traffic lanes. (Monterey County Code, § 18.56.060(3).) Therefore, the State's more stringent requirement would control.

IV. THE PROJECT SHOULD PROVIDE PROXIMAL ACCESS TO A FIRE STATION.

Despite a request from the local fire district, the Project proponent has declined to construct a small fire station onsite, concluding that it would be “incompatible with resort operations.” (DEIR 3-307.) The closest fire station is nine miles away, which the program Google Maps reports is an 18-minute drive. The DEIR claims the fire station is within the 15 minutes recommended by the applicable Monterey County General Plan. (DEIR 3-307.) Public comments on the DEIR noted the Project site is not within a 15-minute response time from the Soledad fire station. (See, e.g., Letter 7, Comment 74 starting on FEIR 2-33 and Letter 8, Comment 5 starting on FEIR 2-61). Rather than provide factual support for the DEIR’s claim that the fire station is within 15 minutes from the Project site or revise the Project so that it complies with the Monterey County General Plan recommendation, the FEIR simply restates the DEIR’s conclusion that “the project would not warrant construction of new or expanded facilities in order to maintain ... response times....” (FEIR 2-11). The FEIR should be revised to accurately reflect the distance of the nearest fire station to the Project site and should require compliance with the policy prescribed by the General Plan—preferably with construction of a fire station onsite as requested by the local fire district.

We appreciate your consideration of our comments and respectfully request that you defer certification of the FEIR and approval of the Project until you more fully address the risks of wildfire associated with the Project. If you have any questions or would like to discuss our comments, please feel free to contact us.

Sincerely,



NICOLE U. RINKE
Deputy Attorney General
HEATHER C. LESLIE
Deputy Attorney General

For XAVIER BECERRA
Attorney General

ATTACHMENT B

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October 14, 2022

Via E-Mail

Honorable Don Horsley, President
and Members of the Board of Supervisors
400 County Center
Redwood City, CA 94063
boardfeedback@smcgov.org

Re: Supplemental Comments on Appeal of San Mateo County Planning Commission's Final Letter of Decision on the Proposed Subdivision at 1551 Crystal Springs, Grading Permit and Resource Management (RM) Permit (PLN2014-00410).

Dear Mr. Horsley and Members of the Board:

On behalf of Green Foothills, we submit this letter in response to comments made by the applicant's attorney at the July 15, 2022 Board of Supervisors meeting which suggested that the County would violate the Housing Accountability Act (HAA) if the Board denies the appeal. As explained below, denying the appeal would not violate the HAA, because the applicant is not proposing a housing development at this time, only a land subdivision. Moreover, as we explained in our prior comments, the County could still deny the project, even if the HAA did apply, for two reasons: First, the project is inconsistent with objective development criteria. Second, the environmental review for the project is inadequate.

For these reasons as well as the reasons stated in our earlier comments, the Board should uphold the Planning Commission's decision and findings, and deny the appeal.

I. The proposed subdivision is not a "housing development" project subject to the Housing Accountability Act.

In oral comments to the Board of Supervisors, counsel for the applicant argued that the proposed land subdivision at issue here is a "housing development

project,” and thus the County must comply with the Housing Accountability Act in approving or denying it. See generally HAA, Govt. Code § 65589.5. But this is not the case. The County was not asked to approve or deny any housing units at all, but rather to approve a land subdivision in a Resource Management zone. While the applicant may wish to develop housing on the site in the future, housing units were simply not part of the application before the Planning Commission. In fact, the Notice of Intent to Adopt Mitigated Negative Declaration and the MND itself specifically state: “No residential development is proposed with this application.” See also proposed parcel map, which depicts no residences.

Counsel also asserted that *Honchariw v. County of Stanislaus* (2011) 200 Cal.App.4th 1066 supports the conclusion that the proposed land subdivision is a “housing development project.” But, in that case, the Fifth District Court of Appeal “**stated in passing**” that “the project contemplated eight single-family homes,” and that the “proposed project [was] therefore a ‘proposed housing development project’ within the meaning of the HAA. *Reznitskiy v. County of Marin* (2022) 79 Cal.App.5th 1016, 1026. Statements in opinions that are made “in passing” are dicta and non-binding. The issues actually litigated in *Honchariw* were entirely separate, i.e., whether a housing project that does not include affordable housing is subject to the HAA and whether the proposed project complied with particular regulations in Stanislaus County. *Wall v. California Coastal Com.* (2021) 72 Cal.App.5th 943, 956 (rejecting argument that its prior ruling “adopted” plaintiff’s position where its “focus” was on separate legal question; “It is axiomatic that cases are not authority for propositions that are not considered.”); *Vasquez v. State of California* (2008) 45 Cal.4th 243, 254 (case does not stand for holding on “question [that] was not before us”).

A more recent case out of the First District Court of Appeal, *Reznitskiy*, supports the conclusion that “housing development projects” must actually include a proposal to build housing and thus that land subdivisions on their own do not count. In that case, the First District analyzed in depth the meaning of the HAA phrase “housing development project” to determine whether it includes single family homes or just housing developments with two or more units. *Reznitskiy*, 79 Cal.App.5th at 1027 (“[U]nless we know the full meaning of ‘housing development project,’ it is difficult to evaluate the parties’ central dispute: whether the plural term ‘residential units’ includes the singular ‘residential unit.’”). The court concluded that the phrase as used in the HAA means a project to **build** or **construct** a housing development, and that a housing development includes at least two units. *Id.* at 1030-31.

Applying that same reasoning to the facts of this proposal, it is clear that a pure land subdivision, which proposes zero units of housing and would not result directly

in the construction of any housing at all, cannot be considered a “housing development project.” This conclusion is also supported by the general purpose of the HAA: to build more houses—particularly *affordable* houses—not subdivide land. *Id.* at 1037 (discussing purposes of HAA).

For all these reasons, the proposed project before you on appeal is not a “housing development project” as that term is used in the HAA, and thus the County is not required to make any findings under the HAA to support denial of the project.

II. The County may deny the project as inconsistent with objective standards and because the environmental review for the project is inadequate.

As stated in our prior comments, even if the Housing Accountability Act did apply, the Planning Commission’s denial would still be proper. Pursuant to Government Code Section 65589.5(j)(1), a local agency may deny a housing development project, even if it complies with applicable, objective, general plan, zoning, and subdivision standards and criteria, if it would have “a specific, adverse impact upon the public health or safety,” and there is no feasible method to mitigate or avoid the impact other than disapproval of the project. A “‘specific, adverse impact’ means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies or conditions.” Govt. Code § 65589.5(j)(1)(A).

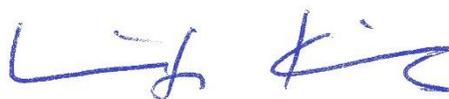
The Planning Commission made these findings in Paragraph 4 of its Findings of Denial. There, the Commission cited to “objective, identified written public health or safety standards,” i.e., Public Resources Code section 4291(a)(1)(A), which require landowners to “maintain defensible space of 100 feet from each side and from the front and rear of the structure” such that “a wildfire burning under average weather conditions would be unlikely to ignite the structure.” The Commission further found that the proposed Project would be inconsistent with these standards, “making the area less safe from possible wildfires.” Given the record for the Project, that finding is amply supported by evidence of wildfire in the area.

Moreover, Government Code section 65589.5(e) specifically provides that nothing in the Housing Accountability Act relieves the local agency from complying with CEQA. As discussed in our July 11, 2022 letter, the IS/MND did not provide adequate analysis or mitigation of environmental impacts, and for that reason too the County may lawfully deny the proposed Project.

Hon. Members of the Board of Supervisors
October 14, 2022
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Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP

A handwritten signature in blue ink, consisting of two distinct parts. The first part is a stylized, cursive 'L' followed by a horizontal line and a small flourish. The second part is a more complex cursive signature, possibly starting with a 'W' or 'M', followed by several loops and a final flourish.

Winter King

WK:WK

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