

**TO: HONORABLE CITY COUNCIL**



**FROM: CITY MANAGER DEPARTMENT: CITY MANAGER'S OFFICE**

**DATE: MAY 18, 2009 CMR: 254:09**

**REPORT TYPE: REPORTS OF OFFICIALS**

**SUBJECT: Adoption of a Mitigated Negative Declaration and the Foothills Fire Management Plan**

**RECOMMENDATION**

Staff recommends that the City Council adopt the Mitigated Negative Declaration ("MND"), dated February 9, 2009, and the attached Foothills Fire Management Plan ("Plan"), dated January 15, 2009.

**BACKGROUND**

The City first prepared and adopted a Foothills Fire Management Plan in 1982. The City's consultants have prepared an updated Foothills Fire Management Plan, in response to Council direction to staff and in response to changes in the Foothills, laws and regulations, and input from residents, neighboring jurisdictions, and other community members.

The Plan incorporates lessons learned from the Oakland Hills Fire of 1991 and other best practices, including working collaboratively with neighboring jurisdictions, police and fire agencies, and community partners.

The objectives driving the recommendations in the Plan are:

- Life Safety
- Structure and Infrastructure Protection
- Ignition Prevention
- Fire Containment
- Natural Resource Protection and Enhancement

The components of the Plan are:

- Fire Hazard Assessment: The consultant conducted a fire science review of fuel types, loads, topography, and other factors. The data were analyzed with various computer models and correlated on maps.
- Regional Evacuation: The consultant surveyed 19 miles of City roadways, 12 miles of which are identified as critical evacuation routes, and most of which have prolongations or feed other road systems outside the City limits.
- Review of Municipal Ordinances: The consultant found most City Municipal Codes related to the Foothills are adequate. Several updates were suggested.
- Staffing of Fire Station 8: The consultant analyzed objectives and resources for response to fires in the Foothills. The recommendation in the Plan is to maintain current staffing levels for Fire Station 8 (~\$200,000 in staff overtime and ancillary costs). Police officers (directed patrol) and Open Space Ranger staffing may need to be increased during high-risk conditions (viz., Red Flag).
- Wildland Fire Management Recommendations and Mitigations: The consultant presents specified fire prevention treatments on City-owned lands and roads. An outside environmental consultant (TRA Environmental Sciences, Inc.) supplemented the evaluation of and incorporation into the Plan of best practices for recommended treatments.
- Updates to Pearson-Arastradero Trails Master Plan and Foothills Trail Maintenance Plan: The consultant reviewed existing Plans and suggested updates.
- CEQA Documentation: The consultant worked with the Planning Department and TRA Environmental Sciences, Inc. to develop the MND.
- Implementation Plan and Potential Funding: The Plan presents an overview of funding strategies. The total five-year cost, beyond what the City currently spends, to implement the recommended projects is estimated at approximately \$435,000. This report will not include a plan to address the funding implications of the recommendations. Staff will return to the Council at a later date with funding plan recommendations along with other implementation measures.

While the nominal title of the Plan is fire management, the Plan necessarily includes law enforcement (evacuation, crime in the area, notification/warning and emergency public information, Block Preparedness Coordinator Program), natural resource management (Ranger staff), utilities (power lines, water supply, and related infrastructure), public works, and other topics.

## **DISCUSSION**

This new Plan would replace the existing Foothills Fire Management Plan, dated 1982. The City retained Wildland Resource Management (Carol Rice) as the primary consultant to develop this updated Plan, working with staff from the City Manager's Office, the Open Space Park Rangers, the Fire Department, the Police Department, and other work groups.

### Scope and Geography

The Foothills are defined in the Fire Management Plan as lands on and to the west of Foothill Expressway and Junipero Serra Boulevard to the City limits on Skyline Boulevard.

The focus of the Plan is on lands owned by the City and roadways, since the City has responsibility and direct control over such areas. The Plan identifies 51 areas where treatments are to be conducted. These treatment areas are found within Foothills Park, Pearson-Arastradero Preserve, and 12 miles of City roadways.

The Plan also notes that the Foothills area includes a wide range of lands, buildings, and resources, such as:

- Open Space and Parks: In addition to the City-managed Foothills Park and Pearson-Arastradero Preserve, there are other open space areas in the area, including the Montebello Open Space Preserve and the Los Trancos Open Space Preserve (managed by the Midpeninsula Open Space District).
- Private Residences: There are roughly 200 homes in the City limits and hundreds more abutting or near the Palo Alto Foothills in neighboring jurisdictions in both San Mateo County and Santa Clara County.
- Private Recreation Facilities: There are several private equestrian, golf, sports complexes in the Foothills.
- Commercial Buildings: There are millions of square feet of commercial and industrial buildings in the Foothills (Stanford Industrial Park).
- Stanford University: Stanford holds substantial lands in the Foothills. These have a direct nexus to the City for police and fire services. The Palo Alto Fire Department provides service to Stanford University under contract, including the Stanford Linear Accelerator (SLAC) in San Mateo County. The Palo Alto Police Department, in addition to providing primary response coverage to large portions of Stanford lands as well as mutual aid, provides 911 dispatch of the Stanford Department of Public Safety (Stanford Police) under contract.

### Outreach and Regional Cooperation

The City should not and cannot plan or operate in isolation regarding the Foothills. The nature of jurisdictional boundaries, interrelationships, and inter-agency cooperation (mutual aid), as well as a specific goal to include non-governmental organizations in the planning process, resulted in three formal outreach sessions to the general public, a Council presentation in October 2008, a presentation to the Parks and Recreation Commission, and numerous other meetings with our neighbors, including, but not limited to:

- Acterra
- CAL FIRE
- Friends of Foothills Park
- Los Altos Hills Fire District
- Los Trancos County Water District

- Los Trancos Woods Neighborhood
- Menlo Park Fire District (including the Town of Atherton, City of Menlo Park, City of East Palo Alto)
- Midpeninsula Regional Open Space District (MROSD)
- PA Protect Our Open Space
- Palo Alto Hills Neighborhood Association
- Pony Tracks Ranch
- Portola Pasture Stables
- San Mateo County FireSafe Council
- San Mateo County Sheriff
- Santa Clara County Fire Dept
- South Skyline Association
- Stanford Community Residential Leaseholders (SCRL)
- Stanford University
- Town of Los Altos Hills
- Vista Verde Community Association
- Woodside Fire Protection District

This outreach was not bounded merely by the need to collect opinions for the Plan. One key recommendation of the Plan is to form an ongoing working relationship with these neighbors, to increase the overall resilience of the Foothills against fires, natural disasters, crime, and other threats. The Plan recommends that the City continue and expand this collaboration.

Similarly, the topic of evacuation necessitates inter-agency and private-public partnerships. While the Palo Alto Police Department is the lead agency for evacuation planning and operations, other jurisdictions must coordinate in these processes. The Plan calls for the creation of a regional evacuation and response system for the Foothills: "Foothills Regional Emergency Response and Evacuation Plan (FREREP)." This plan would provide for standardized signage and evacuation route nomenclature and protocols. The Block Preparedness Coordinator (BPC) Program will be an integral component, as residents who are BPCs can open gates and serve as "eyes and ears" for first responders. The FREREP would also facilitate an "all hazards" approach, covering crime prevention, missing persons (lost child or person at-risk), and other issues affecting the Foothills region.

#### *Wildland Fire Management Recommendations and Mitigations*

There are approximately 330 acres of City land (out of approximately 2,000 acres) that are recommended to undergo some level of fire mitigation treatments. Such treatments will follow best management practices to reduce deleterious environmental impacts. In many cases, treatments can actually enhance resources (removal of non-native, invasive species).

During the outreach meetings, staff found that many neighbors and residents did not have a clear understanding that "treatment" does not mean "clear cutting" or the removal of all flora and fauna. In reality, the reduction of fuel-load and methods to contain fires allows for the park-like aesthetic of the area to remain.

Furthermore, certain current fire prevention treatments will be curtailed or eliminated. Treatments will also be staggered; not all 330 acres will be treated in a given year. While the total acreage under treatment is to increase from the current approximately 200 acres, the total acreage treated in a given one year period will decrease (in most cases, only 100 acres would be treated annually, according to the Plan, p. 46). For example, the City already performs annual weed abatement, mowing, and other fuel-load-reduction actions. The Plan now provides that some such treatments can be done on a rotational basis on up to five year intervals, as opposed to every year.

Some areas will no longer be treated for fuel reduction (*e.g.*, Madrone and Valley View fire roads in Foothills Park), since they are not tied to the objectives of the Plan.

### Implementation Plan

The Plan presents a general framework to guide the City in planning and allocating resources to the Foothills. Staff is developing a Work Plan to implement the recommendations.

At this point, since funding has not yet been identified, the Work Plan is constrained to elements that do not require substantial resources outside of existing budgets.

Staff is working with Wildland Resource Management to investigate government grants, volunteer programs, Fire Safe Council funds, and other external means of financing or offsetting costs.

Any field activities (treatments) will be prioritized by their relation to life safety: fuel breaks, evacuation routes, perimeter treatments, and defensible space.

However, several elements of the Work Plan do not require substantial funding (or can be performed at a slower rate using existing resources). Some of these elements include:

- Use this Plan as the foundation for the proposed Foothills Regional Emergency Response and Evacuation Plan (FREREP)
- Create Midpeninsula Foothills Emergency Forum (MFEF)
- Municipal Code updates
- Explore cooperative funding strategies: cost-sharing (or staff/resource sharing) with neighboring agencies (Los Altos Hills, CalTrans, Woodside Fire Prot. Dist., etc.)
- Update Geographic Information System (GIS) (new map layers/inputs from consultants)
- Special Patrols (by Fire, Police, Rangers) during times of heightened risk (Red Flag, Fire Weather)
- Conduct training, meetings, and drills for Block Preparedness Coordinators for neighborhood communication
- Revise Trail Plans for Pearson-Arastradero Preserve & Foothills Park
- Volunteer Program: develop plan for use of volunteers for treatment (perhaps through Acterra, Fire Safe Council, etc.)

- Educate and work with adjacent landowners (homeowners and businesses) to reduce hazards and improve coordination
- Develop Joint Information Center (JIC): work with neighboring jurisdictions to ensure that emergency public information (EPI) is coordinated. Training for Public Information Officers (PIOs) and other staff on: Community Alerting and Notification System (CANS), evacuation, KZSU 90.1 FM radio, the Emergency Alert System (EAS), etc.
- Include Plan in the City Emergency Operations Plan (EOP)

Staff will continue to develop the Work Plan and adapt it, based on funding and staffing strictures.

## **RESOURCE IMPACT**

### *Costs*

The total five-year cost to implement the recommended projects is estimated at slightly less than \$700,000. Staff estimates that approximately \$53,000 is currently spent annually for current treatments, which is \$265,000 over five years, so net new funding required may be approximately \$435,000.

The largest cost, at slightly more than \$400,000, is to manage 19 fire containment areas. The initial treatment for segments of major evacuation routes is estimated to cost about \$192,960.

To implement and maintain the policies and procedures recommended in the Plan, supplemental staff time will be required from the:

- City Manager's Office
- Open Space Park Rangers
- Fire Department
- Police Department
- City volunteers

Please refer to Section 5.4 of the Plan for the consultant's discussion of funding strategies.

## **POLICY IMPLICATIONS**

Approval of this Plan is consistent with current City policies and regulations regarding fire prevention, evacuation, and related matters.

This Plan also supports the three Council priorities of Environmental Protection, Economic Health of the City (*e.g.*, protecting private business facilities as well as critical utilities), and Civic Engagement for the Common Good (*e.g.*, partnership with neighborhoods and the Block Preparedness Coordinator Program).

## ENVIRONMENTAL REVIEW

This Plan is a project subject to review under the California Environmental Quality Act (CEQA). A Mitigated Negative Declaration (February 9, 2009) was prepared and circulated for public comment from February 10, 2009, through March 11, 2009. The City has concluded that any adverse environmental impacts of the treatments proposed in the Plan can be fully mitigated to protect against any potential negative environmental impacts.

The City retained the services of TRA Environmental Sciences, Inc., an independent biology and ecology consulting firm. This firm was also previously involved in the preparation and environmental review of the Foothills Park Trail Maintenance Plan (2004) and the Pearson-Arastradero Trail Management Plan (2001). TRA completed a full analysis of potential impacts to plants, animals, and other natural resources, and concluded that potential impacts could be adequately mitigated through implementation of best practices and mitigation measures which were incorporated into the MND.

Recommended best practices and mitigation measures include:

- Site inventory prior to treatment to determine the location of sensitive sites. Exploration into the use of knowledgeable volunteers to conduct a more detailed, site-wide survey is warranted.
- Site planning and design to determine specific vegetation treatment actions based on fire management benefits, environmental impact, and required mitigation activities.
- Protection during vegetation treatment using best management practices tailored to impacted sensitive resources.
- Protection of disturbed environmentally sensitive areas following either specific fire management actions.
- Prior to any treatment being started, a qualified biologist (or trained staff expert) shall work with personnel involved “regarding protected species and habitats in the project area, the limitations on areas that can be accessed on foot or with equipment, and the legal consequences of take of protected species or habitat.” (Mitigated Negative Declaration (February 9, 2009), BIO-1, p. 2.) This recommendation is consistent with the approach adopted for trail improvements or maintenance as outlined in the Council-adopted Foothills Maintenance Plan (2004) and Arastradero Trail Management Plan (2001).

While there are a myriad of sensitive plants, animals, and other resources in the Foothills area, the treatment areas do not necessarily impinge upon all types. For example, according to the Biological Impact Assessment (January 8, 2009), “There are no Palo Alto-designated heritage trees in the Foothills Fire Management Plan Update area.” (p. 22)

Sensitive environmental areas and habitats, in general, tend to be outside the priority treatment areas: 1) evacuation routes and 2) around buildings and certain public safety infrastructure.

During the CEQA Public Comment Period, the City received comments from the public via letters, e-mail messages, and the City’s web site. The Parks and Recreation Commission also provided comments at their February 24 meeting.

Key issues and concerns include the following:

**1) Concern that the proposed measures may degrade the visual character of the area**

The City received public comments expressing concern that treatments would unreasonably alter the appearance of the park and preserve lands.

There will be localized changes to the treatment areas: near roadsides, structures, and along Trappers Ridge.

The changes along roadsides will be:

- Mowed grass, creating a more uniform, tended, look
- Shrubs under trees will be removed, creating a more open and park-like appearance. Views will extend further back from the roadside where topography of vegetation does not block the view.

However, changes resulting from treatments will not adversely affect the visual character of the area:

- Non-native plants are targeted for removal.
- Native trees will not be cut down, in most cases, but will be “limbed up,” meaning that lower branches will be trimmed to 8-foot height (or 1/3rd the height of short trees).
- Views will extend farther back from the roadside, as foliage is trimmed back.

In some cases, there will be more foliage. For example, the appearance of Trappers Ridge will change. Less will be mowed each year, with more grass allowed to grow along the ridge. The visitor will see more groups (or clumps) of shrubs in grass where either continuous grass or continuous shrubs now exist.

Vegetation around structures will be managed to a greater extent. The structure may be more visible as shrubs are reduced in volume and lower branches of trees trimmed within 100 feet of the structure. Grass will be mowed within 30 feet of the structure, creating a more tended appearance. Such treatments are required by law.

**2) Concern that treatment measures could result in more weedy plants and patches and create "increased fodder" for fires**

Treatments call for targeting removal of weedy plants within the management areas. Much of the mowing or grazing currently performed or done in the recent past in Pearson-Arastradero Preserve was, in fact, done at the request of Acterra in order to reduce the weedy plants and patches. Management of timing and techniques will be employed to provide a competitive edge to native plants at the detriment of weeds. Mitigation measures and best practices will be utilized to prevent any significant adverse impact to habitats, plants or animals.



Some plants that grow after the management has been performed can take advantage of the reduced competition. They grow later in the spring and during the summer. They may create more volume for a fire to burn, in some limited areas, but they also have a short window of conditions under which ignition can occur. Such fuels may have the potential to move rapidly, but have low flame lengths, meaning they are easier to extinguish, compared to the fuel types and loads currently in those areas.

**3) Concern that treatments will create increased erosion and negative impacts to hillside habitats**

Actions to prevent erosion are called for in the ten listed mitigation measures that will take place in conjunction with the fuel management work. These measures include avoiding sensitive sites and operation when the soil is wet. Hillside habitats are maintained using best management practices used for other treatments, such as creating islands to prevent fire spread without adverse impact to flora and fauna in the area.

Best practices also limit the creation of bare soil. In cases where such soil is exposed, staff will deploy measures to confine erosion.

Work is also to be done along the roadside. In areas where erosion is possible from mechanized vehicles, heavy equipment is limited to work on the road surface only, with cutting performed by an articulated arm that does not cause accelerated erosion.

**4) Concern that fire management may conflict with City plans and park designations**

Fuel management is already routinely conducted in both Foothills Park and Pearson-Arastradero Preserve and has been done for many years. The trails plans for each of the areas allow for work to be done to maintain public safety. For example, the Foothills Park Trails Maintenance Plan (January 29, 2002) identifies fuel breaks as part of the maintenance regimen.

Best management practices to promote native vegetation are encouraged under current planning documents for both landholdings.

Current codes and regulations require fuel management adjacent to roads, structures, barbecues and other locations. This work is not discretionary. Sections 4290 and 4291 of the California Public Resources Code, for example, mandate Defensible Space be established for structures in the Foothills. Parks and preserves are not exempt from such laws.

**5) Concern that stream banks in Wild Horse Valley may not remain stable if shrubs are removed**

Shrubs will be trimmed back, but their roots will not be removed. The cutting operation will not necessarily involve soil surface disturbance. Shrub removal will result in a regrowth of the shrubs and new growth of grasses within months (see above for erosion

control methods). The shrubs roots that provide soil stability are not disturbed. The new cover of grass foliage offers raindrop splash protection and grass roots offer greater surface soil holding capacity.

Additionally, Mitigation Measure Geology 6 requires a buffer of 25-50 feet be maintained between operations and water bodies or designated riparian areas. Rainwater run-off barriers will be installed and managed in all treatment and operating areas.

**ATTACHMENTS**

- Attachment A: Palo Alto Foothills Fire Management Plan Update (Draft, January 15, 2009)
- Attachment B: Mitigated Negative Declaration (February 9, 2009)
- Attachment C: Biological Impact Assessment (January 8, 2009)
- Attachment D: Public Comments (various from web site, e-mail, letter, etc.)
- Attachment E: Minutes of the Parks and Recreation Commission, Feb. 24, 2009

**PREPARED BY:**



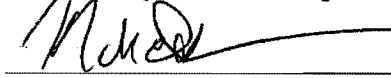
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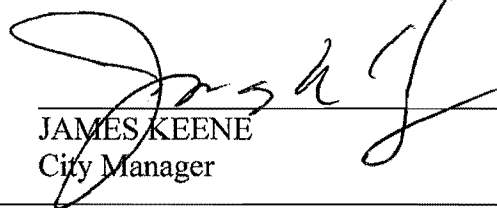


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