

Submitter DB ID 6242
IP Address 98.37.248.214
Submission Recorded On 03/28/2022 9:39 PM
Time to Take the Survey 22 minutes, 38 secs.

Page 1**1. First and Last Name**

Ronny Krashinsky

2. Email address (will not be publicly displayed)**3. Organization (Enter name of organization, business, or non profit if you are submitting comments on their behalf.)**

Not answered

4. Street address (will not be publicly displayed)**5. City**

Portola Valley

6. State

California

7. Zip Code

94028

8. Comment

Please find my comment attached.

9. Optional: You can upload a copy of your comments.

[housing-element-comments.pdf](#)

3/28/2022

Here are a few ideas and questions for the Housing Element update. There have been some related proposals and discussion, but I'm not sure they were framed in the same way.

1. Allow any property owner to optionally upzone (opt-in). As far as I understand this could be accomplished with "overlay" zoning, potentially designating large swaths of PV as opt-in upzone regions, subject to the various safety considerations and possibly designating different max density in different areas.
 - a. Compared to preselected upzoning, opt-in is more equitable as it avoids rezoning against owners' wishes.
 - i. Neighbors of the opt-in upzoned lots would bear the largest burden, but it's likely that the lots will be distributed throughout town.
 - b. Compared to preselected upzoning, opt-in upzoning would also have a much higher likelihood of actually achieving the housing targets during the cycle:
 - i. Property turnover rate is fairly low, making it unlikely for specific preselected lots to turn over in an 8 year period.
 - ii. Upzoning will increase value for many (not all) properties. So when properties turn over we could expect that some reasonable fraction of sellers and/or buyers will opt in for the financial gain.
2. Is it possible for the RHNA related zoning changes to be explicitly contingent or temporary? A couple example ideas:
 - a. Designate some lots that will be upzoned only if certain conditions are *not* met. The conditions could be along the lines of achieving a certain amount of opt-in upzoning by a certain period of time, for example 50% by year 4.
 - i. I'm wondering if this could be used to meet the state's requirement that the housing element identify specific lots for upzoning, while at the same time allowing opt-in upzoning to take precedence.
 - b. After the RHNA targets are met, remove the opt-in upzoning overlay. For example if we have 253 units by year 5, then stop allowing lots to be upzoned.
3. We have a large stock of existing ADUs in town that are not currently being rented. If these existing units are rented out during the housing cycle could they count towards our quota? It would seem that existing ADUs that are newly introduced to the housing market achieve the same goal as newly built ADUs.
 - a. I gather that these will not be able to count for the purposes of submitting a housing element plan. But the question is if they can count as we track and report on how many units are actually added during the housing cycle.
 - b. Presumably we would need some way to track these units.

Regards,
Ronny Krashinsky

Submitter DB ID 6264
IP Address 2601:647:6080:3d30:b5a9:d3ff:dc29:902
Submission Recorded On 04/05/2022 2:55 PM
Time to Take the Survey 3 minutes, 41 secs.

Page 1

1. First and Last Name

Robert Adams

2. Email address (will not be publicly displayed)

3. Organization (Enter name of organization, business, or non profit if you are submitting comments on their behalf.)

PV resident

4. Street address (will not be publicly displayed)

5. City

Portola Valley

6. State

California

7. Zip Code

94028-7950

8. Comment

See attachment.

9. Optional: You can upload a copy of your comments.

[Nathorst R3 to Ad Hoc Housing 4-5-22.docx](#)

Submitter DB ID 6290
IP Address 2600:1700:a460:2c70:e890:a874:e621:dd96
Submission Recorded On 04/15/2022 9:43 PM
Time to Take the Survey 5 minutes, 6 secs.

Page 1**1. First and Last Name**

Rita Comes Whitney

2. Email address (will not be publicly displayed)**3. Organization (Enter name of organization, business, or non profit if you are submitting comments on their behalf.)**

Portola Valley Neighbors United

4. Street address (will not be publicly displayed)**5. City**

Portola Valley

6. State

CA

7. Zip Code

94028

8. Comment

Please find attached a link to the comments from the community members that met together on March 16, 2022. I hope you find the time to read the comments and incorporate them into your meetings. We look forward to welcoming new people into our community while navigating the impact on safety, infrastructure and so much more.

<https://pvnu.org/33122-summary-of-community-comments-housing-meeting>

Rita Comes Whitney

Portola Valley Neighbors United

9. Optional: You can upload a copy of your comments.

There are many R3 alternatives for multi-family housing without using owner occupied homes.

California is requiring Portola Valley to provide 253 new homes in the next 8 years and 115 are to be very low income and low income. The State (HCD) has Guidelines on how this requirement is to be met in Portola Valley's Plan to be submitted to the HCD by yearend. The PV Planning department has identified 19 properties (owner-occupied homes) in the Nathorst area to be zoned R3 (multi-family, multi-story) with a minimum of 20 units per acre and a bonus density of 36 units per acre. Further, Jeff Aalfs (Town Council member) believes we need at least four 20 unit 'apartments' to make our 115 unit requirement. Said another way 'we need 4 acres for dense multi-family, multi-story housing.

Question: Since the State's requirement is town-wide, does it seem fair that the only significant area suggested by PV's Planning Department are these occupied Nathorst homes? Consider:

- Most of these owners are retired couples who plan to live in these homes for the rest of our lives
- These are not dilapidated structures, or little used commercial space, or an area with rapidly turning over homes (examples from HCD) – these are family homes that have been:
 - Continually occupied
 - Continually maintained
 - Nearly all have been improved
 - All Nathorst homeowners have signed legal affidavits that they don't plan leaving in the next 10+ years.
- The upcoming required HCD housing plan runs for 8 years – meaning no housing is being supplied by Nathorst homes in the next 8 years.

What **other choices** are there to meet **the 4 acres needed** for 4 multi-family, multi-story apartments?

There are actually many – everyone of which impacts someone, but most do not impact homeowners.

Here are a few:

- **Publicly owned land** – use can be changed by our Town Council
 - Ford Field (but not the baseball diamond or parking) 7.4 flat acres with 1.9 for the field/parking. Great evacuation location and near Ladera Shopping center.
 - 'Road Remnant' – 1 flat acre between the Corte Madera soccer field and Alpine Road. Not a highly travelled part of Alpine Road.
 - Blue Oaks exchanged land – 13 acres of open space, 4 acres unusable 9 acres available. We all like open space, but this is in conflict with the 253 HCD unit requirement.
 - Rossotti Field – 2.5 flat acres. May be deed restricted
 - And there are more open public lands...
 -
- **Privately owned land** – vacant or nearly vacant
 - The Neely property – 228 acres near Portola Road
 - The El Mirador property – 315 acres near Portola Road – 5 owners, one recently deceased owner owns 50% of this property.

- The Pump Station at Portola Road and Corte Madera Creek
 - Vacant lot above Priory – 4 acres on Veronica Lane 500 feet from 2 two egress points
 - The Besio property – one house on the edge of vacant 10 acres – one block from Portola Road. This could be a lower cost senior living center.
 - The Priory – 52 acres – 3 big fields and 2 open acres on Portola Road (Gambetta)
 - 330 Portola Road – 2 acres, older home with orchard in back
 - Empty lot on Shawnee Pass Road – 1 acre
 - Portola Valley Ranch – Many open acres
 - Over 600 open acres are listed above and there are many more ...
- All of the listed properties above **do not** require turning a whole occupied neighborhood into a number of apartment complexes in the middle of single-family homes. And remember that virtually all of these Nathorst homes are located in the **Town's Scenic Corridor**.

There is no true low-impact solution to the 253 units required by HCD, but it seems that to put virtually all high-density housing in one neighborhood is grossly unfair. R3 Multi-family housing would mean we cannot expand our homes, cannot rebuild our homes in a disaster, cannot add an ADU because all of these actions would be “non-conforming.”

We, like you, moved to Portola Valley for its rural and laid-back nature. Until late-February, none of us had any idea that multi-family housing was being considered for our property. In addition, with our well-maintained homes - ranging in value from \$4M to \$8 it is hard to see how a developer can make money with 20 units, but the R3 zoning is sure to reduce our home values immediately, since PV buyers want rural, not high density. Why not use unoccupied Public or Private vacant lands? Good question!

Please attend the next Ad Hoc Housing Committee meeting on April 18 on Zoom at 4:30. The agenda (3 days in advance) has the zoom access on the first page:

<https://www.portolavalley.net/Home/Components/Calendar/Event/30447/20>

From:
To: [housing](#)
Subject: Total agreement with following comments below
Date: Sunday, April 17, 2022 3:23:53 PM

To the PV Housing Committee —
Echo and SUPPORT in full the below comments from Nicky Amundsen.

Portola Valley has fought decade after decade to prioritize NATURE and wildlife and dense natural scape over high-density development, street lights, paved sidewalks, stop lights. We live in a paradise that was created by nature and defended by the amazing people who founded Portola Valley and fought to protect it from becoming tract housing and urbanized. We must continue the fight.

The State has handed down a terrible attempt at affordable housing (written in part by real estate developers who will benefit from this and doesn't actually build affordable housing). While it is a pressing issue, it is complex and multi-pronged issue, and it seems the State is overreaching here by telling us to defy Portola Valley's General Plan that we have adhered to for decades and preserved this nature infused community. We must come together as a community to protect this incredible natural environment, and honor the people who knew the utter importance of protecting Windy Hill, of *not* developing every inch, but had the foresight to protect the forests, the intertwined natural paths, the lush meadowscape, to protect habitat for owls, birds, deer, and more than the occasional mountain lion. We have to keep this natural gateway and not give in to the creep of urbanized, high density development which cannot sustain nature, particularly as West of 280 is different than East of 280, unless we don't protect it. We are a Dark Skies community where you can lift your gaze to the sky at night and see the stars. But we must fight to keep it. Just like our existing zoning gives us limits on the size the houses we build so it keeps habitat for nature, we cannot throw away these protections and ideals.

We all have gotten the solitication by the town to "opt-In" to re-zoning our properties in the mail. If you have seen this, I hope you were shaken by the thought of this. If we allow Re-Zoning, you must know that the slippery slope has begun and the call to all developers is out. Our Town is considering Re-Zoning to asking home owners to "opt-in" to allow people to build 20 units on one acre!?! I encourage "Opt Out" to re-zoning, because it is our tough zoning that has kept this community so rural and nature infused, and once lost, is lost. Building Apartments/Condos (multi-housing units), you bring mandatory codes that come with high density housing, that means...high density lighting, paved sidewalks, street lights, stop lights. We all know what is it like to pull on to Alpine Road and to drive through that arching forested street. In the day it is forest and meadow and glimpses of horses, at night is a super dark corridor with star light glimmering through. We are at risk of losing this. Because once the pandora's box of re-zoning our rural landscape is open, when does it stop? Once one 20 unit structure is built, when does the next one come, and the next and the next. That is how it works and we only have to drive East of 280, and look at all that dense high -ise housing to know what that looks like. West of 280 is different and has always been until we lose it. Portola Valley is a natural gateway to the Santa Cruz foothills and mountains, the doorstep to oak and redwood forests, with active habitats for owl, hawks, coyote, not to mention all the flora and fauna. We have to protect it.

I would have liked to receive in the mail, the communication from our Town leaders of what is

at stake here, and a commitment to keep our dark skies, communication about how they worked with Los Altos Hills and Woodside, other communities that serve a huge rural and nature function of habitat for wildlife. But instead, the solicitation was to opt-in for a re-zone. I feel like this approach is not about putting nature first, which is what we have always done in PV. Yes, there is a great challenge with affordable housing, but we cannot give up nature to do it, particularly as this and neighboring communities are different. This community it is not served by frequent public transit, and makes no sense for high-density structures, it is a community that is rural, and we cannot let the sun set on that. We are a refuge for East of 280 folks and others who come here, to hike, bike, walk its trails, and if they want to see the stars!

Once you start splitting up 1 acre lots and allow for 20 housing units. What will this place look like.

Please show up and send your Comments to our Town Council on this, participate in the Ad Hoc Committee meeting on **April 18th** and let's advocate for our shared priority since our inception, which is Nature. I don't have all the answers, but I know we have to lead with the environment and nature, like we always have, or we slowly start to get gobbled up and look like Mountain View, Sunnyvale, etc. (all fine communities but not rural or nature focused and serve a different function and way of life). To wit...who is going to build these multi-units, not people that live here and are invested in our community, and where is the enforcement for any of these to actually stay affordable.

Help us to stop PV from turning into something this...attractive but no place for nature.

gene chaput
Alamos Road, PV

From: [Bill Russell](#)
To:

Subject: Ad Hoc Housing Meeting April 18 Comments From Bill and Caryl Russell
Date: Sunday, April 17, 2022 4:44:50 PM

We have reviewed the agenda, met with Cara Silver, reviewed substantial documentation provided by her, shared our analysis with her, attempted to engage town personnel in the analysis, and reached out to individuals outside the town to provide useful and detailed information. Our thoughts are set forth below, dictated by the following considerations concerning the designation of any parcel for affordable housing development:

1. The parcel(s) should be geographically removed from established residential neighborhoods in order to avoid (1) altering the character of an established neighborhood, (2) negatively affecting the value of the single family homes in those neighborhoods, (3) negatively affecting the peaceful and quiet enjoyment of the existing residents.
2. The parcel(s) should not substantially increase the risk of fire.
3. The parcel(s) should not reduce egress and ingress needed in the event of town emergencies.
4. The parcel(s) should be close to transportation and, if possible, existing commercial developments to service the new town residents.
5. The parcel(s) must meet the HCD requirement of actual development within the next cycle, meaning that involuntary upzoning against the wishes of property owners who have stated in letters and affidavits their intentions to continue residency without development beyond the end of this cycle cannot be presented to the state as "likely" to be developed.
6. The parcel(s) must be free of legal constraints that prevent development (deed restrictions, conservation easements, etc.) unless the town has the reasonable ability to eliminate the restrictions, e.g. change zoning from open space to residential.
7. The parcel(s) should be selected which, by their very nature, spread the responsibility for providing affordable housing across all 1740 of the town's single family residences and not just a select group of homes or individuals.

BLUE OAKS

This property consists of approximately 13 acres, referenced as Parcel C on the map of Blue Oaks. The town owns the property. It is believed that approximately 9 acres of the 13 are suitable for development. There is nothing we could find within the deeds and title report provided by Cara Silver indicating that there is any deed or similar legal limitation on the development of this property. In our conversation with Ms. Silver we suggested that she contact Brian Kangas, Foulk, original surveyors on the property to see if there were other constraints to development. We don't know if Ms. Silver ever touched base with BKF but we were able to reach David Jungman at BKF. Unfortunately, he was not able to provide answers to our questions because of a lack of information and documentation. The questions we asked, that remain, are:

1. "Are there easements or dedications or anything else that you see that would prevent the development of Parcel C?"
2. "What portion of the land in Parcel C, considering geology, geography, and topography do you believe is appropriate for development of affordable housing?"
3. "In order to answer questions 1 and 2 would you need to return to the property and re-survey Parcel C and, if so, what do you think the cost would be?"

In answer to this question he said " I can provide a cost based on a whole site survey or after discussions with the city (sic). Do you have a preliminary site plan or some exhibit we could review?" More follow-up is necessary.

In our very productive meeting with Ms. Silver she volunteered the fact that the issue of development of this property was "complex" and that we should contact town personnel to get a better understanding of that issue. Because we were out of town for four weeks we asked Bob Adams to follow-up with the town. He contacted the town approximately two weeks ago and left a message with Laura Russell to start the process. That call, we are told, was never returned.

The current agenda references Blue Oaks, but with little detail except an attachment that references the property on a map. Because we believe that this property satisfies almost all of the criteria for development set forth above, it should be pursued.

FORD FIELD

This property is wholly owned by the Town of Portola Valley. The agenda says that 1.1 acres is possibly available for development. That's great because it is an ideal location for development under the criteria set forth above. Our understanding is that the Ford Field Property consists of 7.67 acres and that about 1.8 of the acreage covers the field and parking lot; if that's the case then why is the remaining 5.87 acres not available for development? The map that is part of this agenda references a creek and setbacks. However, these are town imposed limitations that can be adjusted more favorably for increased development of the land.

From our review of the title documentation provided by Ms. Silver, it appears that there is a state created deed restriction between the California Department of Parks and Recreation and the town that dictates the use of the land as a baseball field until June 30, 2031. This only applies to the 1.8 acres on which the field and parking lot lie. There is nothing in the documentation that prevents the town from renegotiating the deed restriction with the state. Here are three ideas, all in light of the importance which the state has attached to affordable housing:

1. Renegotiate the deed restriction to provide that the deed restriction will be removed now in exchange for which the town will commit to the state to use the land for affordable housing.
2. Renegotiate the deed restriction so that it terminates two years earlier, 2029, within the housing element 6th cycle.
2. Construct a baseball field on the Blue Oaks acreage (there are 9 acres available for

development) and ask the state to transfer the deed restriction to that parcel for the balance of the period under the original deed restriction on Ford Field, i.e. June 30, 2031. After the deed restriction expires the property could continue to be used as a baseball field or for other purposes---such as affordable housing.

If the Ford baseball field and parking lot become available for affordable housing, along with the 1.1 acres described in the 4/18/22 agenda, this would give a total of 2.9 acres available for development. Further, if creek and other setbacks are adjusted by the Town then there will be even more than 2.9 acres available.

TOWN CENTER

The 4/18/22 agenda references 1.1 acres at the town center but says very little about development possibilities. Because town-owned vacant land appears to be the best solution to the state mandate (assuming ADUs and JADUs are insufficient) we believe that this vacant parcel should be explored to the fullest.

GLEN OAKS (4.4 acres), EL MIRADOR (13.2 acres) AND NEELY PROPERTY (25 acres)

These properties are referenced in the agenda, but without any detail as to the efforts that have been made to explore development. Here are some questions:

1. Have the owners of these properties been contacted to determine their interest in development and what was their response(s)?
2. Have site analyses been done to determine the developmental possibilities of each of these lands?
3. Are there any constraints on development for each of these lands that could not be removed by town action?

Hopefully, at our meeting tomorrow we will get answers to these, and related questions.

With respect to Glen Oaks, owned by Stanford, I had a lengthy conversation with John Donahoe of Stanford Development and Planning. He said:

1. 3-5 acres of the land is suitable for affordable housing development.
2. The property is currently zoned for "open space" but the town has unilateral authority to change that designation to residential.
3. Stanford is in favor of working with the Town of Portola Valley to develop affordable housing on this land.
4. Stanford is willing to spend time and capital to try and develop an affordable housing site plan on this property.
5. The first step is for the Town of Portola Valley to tell Stanford that they would like to develop the property as affordable housing.

6. The possibility of developing this property for affordable housing has been discussed between Mr. Donahoe and Laura Russell.

7. Donahoe told me "I decided to get proactive and asked Laura Russell if the town was going to make that request and she said "the town is thinking about it."

Just as with Ford Field and Blue Oaks, this property, perhaps even more than the others, is perfect for development and meets all of the criteria set forth above: The land is not near any developed single family neighborhood; the land has excellent ingress and egress; the land is close to an existing commercial center; the land, if developed, would place no burden on any given homeowner or particular neighborhood.

BESIO PROPERTY

There is approximately 10 acres of undeveloped property at the end of Georgia Lane owned by the heirs of Carlo Besio. The Town should make a concerted effort to reach out to the Besio property heirs to see if they wish to attend the "opt in" meeting on April 21, 2022. They may not have received a town mailer (we didn't) on this meeting nor know how to RSVP to the meeting.

THE TWO VACANT PARCELS "UNDER INVESTIGATION" AT THE NATHHORST TRIANGLE

Although vacant land is an excellent source of affordable housing, these two lots aren't, for several reasons:

1. They are both immediately adjacent to fully developed single family residences with the result that a development on the lands with two or more stories for apartments will drastically reduce the value of the adjacent parcels as well as substantially interfere with the quiet enjoyment of those existing homes.
2. Both Alpine Road and Portola Road are exceedingly important for evacuation in the event of emergencies. If there is an uncontrolled fire due to increased density it will likely prevent egress from Corte Madera School, Portola Valley Ranch, and the entire Corte Madera neighborhood; think flaming phone poles lying across the intersection of Alpine and Portola Road.

TOWN EXPERTS

The agenda says that the town has retained experts to help town personnel perform their myriad tasks. Questions:

1. Who are the experts that have been retained?
2. What are the specific tasks that have been assigned to them?
3. What are the current and specific results of their efforts, so far?
4. What additional tasks will be assigned to them in the future?

5. How much do they charge?

We look forward to a productive meeting tomorrow evening.

Bill and Caryl Russell

From:

Subject: #PV Thoughts on housing
Date: Monday, April 18, 2022 8:52:46 AM

I've been attending many of the public meeting on the Housing Element and associated committee meetings. I wanted to synthesize my understanding of the challenges and share my thoughts (as a private citizen and resident of Portola Valley). I've lived here since 2001. These are my understanding of the regulations and challenges.

I want to start by thanking the incredibly knowledgeable Town staff who are assisting the Town in meeting its state Housing Element requirements as well as the volunteer fellow resident members of the Ad-Hoc Housing Committee. I don't envy your charge.

For the most part, everyone in Town wants many of the same things. We all want to ensure that our natural surroundings are preserved. We want to continue to have a quiet rural community. We want to maintain our current recreational opportunities. We want our schools supported. I also firmly believe that *most* also want to welcome a few new residents, a wider range of incomes, and a wider range of diversity in our community. In the past we have supported far more people than currently. Population in PV was 5000 in 1970 compared to 4500 today. We have lost enormous numbers of children attending Portola Valley schools (in 2001, 687 students. In 2022, 491; a loss of nearly 200 students!).

We are faced with a challenge of figuring out how to add more residents such that we don't disrupt our way of life while welcoming in new families and residents in a safe manner. I firmly believe that as a community we are capable of rising to that challenge and identifying where to put additional housing, spreading it out in safe areas of Town without it being obtrusive or taking away anyone's quality of life.

We have very challenging terrain in Portola Valley where additional higher density housing would not work. But there are definitely many areas and properties that could add one or a few new housing units. I keep seeing people post (in near hysteria) about adding 20–36-unit apartment buildings. Why do people keep bringing up that threat? There has been no suggestion by the PV Planning Department or the Housing Element Committee to add 4 or 5 story apartment buildings to Portola Valley. Why not? Because 4 and 5 story apartment buildings are not necessary to achieve the goals of the Housing Element. Three-story buildings are most likely not necessary either. Even if we do need to up zone a very few lots along Alpine or Portola Road or somewhere else safe in Town to as much as 20 units/acre, that density can be achieved with 2-story buildings made up of small units, townhomes, duplexes, triplexes, or quadplexes, or with groups of small cottage type homes. The key will be to build smaller units to ensure they are more affordable for a wider range of residents. It will be critical to identify sources of funding to help get some of the more affordable housing built on properties where people want it built but can't afford to build it themselves.

There is no need for large apartment buildings that don't fit into the style of Portola Valley. Neither is there any need to build on top of our sports fields. What will be needed is a few properties with slightly higher density than currently: maybe a 3-acre property with 6-10 homes instead of 1, a 1-

acre property with 4 or 6 homes instead of none, and maybe just a very few properties up zoned to R3 (20 units/acre) along Alpine and Portola. The more Adus and small up zoning that can be spread throughout the safer areas of Portola Valley, the less need for greater density up zoning.

Note that properties that are up zoned will likely increase in value, particularly as there aren't currently requirements that the new homes built be all affordable. It's the neighboring properties that might be negatively affected if adjacent developments are not carefully executed. People however should be aware that probably half of Portola Valley residents actually already live in much higher density than what people are so concerned about. One has only to look at the Corte Madera, Wayside, Santa Maria, Brookside, and other areas where many properties range from 4000 sf, 7000 sf, quarter acre up to third of acre or half acre (with quite a few having multiple housing units already) and see that the property values keep going up. In reality, Portola Valley has become a highly desirable location; witness a two-story home that just sold for \$2 million on a 4000 sf lot (yes, one tenth of an acre on Groveland).

Note that the R3 designation is an "expedient" designation for the purposes of the Housing Element. The State is being realistic and knows that developers will only add affordable housing if they can build and make a profit. Putting 20 homes on an acre would increase the odds that some affordable housing would actually be built by a developer. That does not mean that PV needs to go that route if we can realistically show a different way of achieving the housing goals.

What is critical right now is identifying 300 locations for new housing units. The state does not define the sizes of housing units. I think people are imagining 300 units that are 3000 sf or even 1500 sf in size. That is not what is needed. We need much smaller units, ranging from 250 sf up to maybe 1200 sf. Building costs have gotten very expensive in the Bay Area due to covid supply chain problems, loss of workers (from lack of affordable housing), to the sheer volume of new construction projects (half of Redwood city seems like it is under construction). This means that smaller units make much more sense if we need to build affordable housing.

I firmly believe that if everyone in Town makes a commitment to participate in identifying lots where additional housing could reasonably be built, either as new homes, ADUs, junior ADUs, tiny homes, SB9 splits, or voluntary up zoning to 6, 8, or 10 (or more, only if reasonable) units, and we make any necessary *small* zoning changes to accomplish our goals, we can show the State that we mean business and are committed to following through. In addition, if money is actually allocated (and more raised) to accomplish some of those affordable housing units, we will be able to make a very strong Housing Element proposal to the State.

To that end, I've put together a form that allows everyone in Town to participate and identify lots that would lend themselves to additional housing. Note that there is NO commitment implied by filling out the form at this link. Most questions are not required but the more information you provide, the more helpful it will be to consider your ideas.

<https://forms.gle/zi9aFJcaAkVtJuM79>

I ask everyone to take a look at their own property and determine if they are a potential candidate

for adding an ADU (internal or external), a junior ADU (up to 500 sf), a tiny home, or for voluntarily up zoning to a few more units or conversely identifying if their lot poses too many safety constraints to be developed by the current owner or a future owner or if the current owner doesn't think an ADU is feasible or desired. At the end of this email, I've provided all the information you need to know about ADUs, JADUs, SB9 units to help you identify whether or not a new housing unit makes sense for your property.

Here are some things to think about before you fill out the form: Taking the money issue temporarily out of the equation, would it make sense to add an ADU or a junior ADU to your property in terms of space, privacy, neighbors, safety, etc.? What about a tiny home, say 300-400 sf, maybe on wheels? Does your property have a guest house or accessory building that currently does not qualify as an ADU (missing a kitchen, bath, or private entrance)? Could it be upgraded to an ADU with modest work? Could a junior ADU be carved out of an unused bedroom and sitting room by adding an efficiency kitchen? Is the property owned by a person considering selling in the near future or going into a nursing home and thus could be redeveloped with somewhat greater density without overly affecting the neighbors? Is the property currently undeveloped?

There are many potential properties where additional housing could be added with little inconvenience or disruption for the owner or the neighbors and with minimal impact on the natural landscape of Portola Valley. Those properties need to be identified and the owners queried for their level of interest. I know of several homeowners who would love to add an ADU or carve out an internal ADU within their home. Let's create that list together.

There are, however, also many properties for which adding additional housing is not possible from a safety or privacy standpoint. Those properties also need to be identified as well for future push back to the State. Fill out the form for the property and detail the safety or privacy issues that make added housing unsafe or unreasonable for the property or the neighborhood.

Then, take a look around your neighborhood. Are there other properties you feel could add additional units or which could be up zoned to somewhat higher density without overly affecting the neighbors? Fill out a new form for those properties, as well. Drive through town, identify properties where housing could be added or where additional housing presents too many safety risks. Identify the issues on a new form.

The more properties that are detailed, the more we can as a community come together and figure out a plan that works to retain our rural and natural environment while allowing a few more people to join Portola Valley. This exercise will show the State that we are serious about doing our part to solve the housing crisis.

This exercise will also help the Fire department who is creating a database of all the properties in town and their characteristics and safety risks.

I have no doubt that if the State sees us come together and voluntarily identify enough properties where the needed housing could reasonably be built in smaller increments instead of highly dense developments then the plan would get positive approval.

I also want to put forward the concept that while I have no doubt we can add 253 units to Portola Valley in the next 8 years, I do not think it will be likely to add significantly more than that in a future housing element. Our community is nearly built out. The upcoming 253 units will likely max out most available safe areas in Town. Because of that it will be important that we (and other small towns along the WUI) establish a modality for future housing elements such that we don't need to add more housing where it is not safe to be built. I would suggest that as part of our current new Housing element, that we pledge to donate a certain sum (to be determined, based on building 25 (?) small units) to one or more of the affordable housing developers to be used to build affordable housing in safer areas of the Peninsula, along the transit corridors. That way we can demonstrate that although we cannot accommodate housing for the poorest (nor does it logistically make sense for the very low income to be housed out so far from needed resources, not least is the requirement to own a car), we still take seriously our commitment to help build affordable housing in adjacent communities that can better help the least fortunate. I consider by adding that financial commitment to our housing element proposal in addition to identifying adequate housing to meet our required goals, then we create a future modality for the county and the state to advance more affordable housing where it makes sense, close to transit corridors, grocery stores, and public services without overly burdening small communities along the WUI.

These are my understanding of the laws, rules, and regulations (If there are any errors in my understanding, please let me know so I can correct the info). The link below is to the actual Town regulations.

What are current laws and regulations?

https://library.municode.com/ca/portola_valley/codes/code_of_ordinances?nodeId=TIT18Z0

Be aware that there are External ADUs, Internal ADUs, Junior ADUs, and SB9 units (compliant with zoning and not compliant). All are different and have different requirements which you can look up in the exact chapters that I have listed below. I've summarized the main requirements below:

SB9 regulations CHAPTER 17.13 - SB 9 LOT SPLITS and CHAPTER 18.27 - STANDARDS FOR SB 9 RESIDENTIAL DEVELOPMENT

Under the latest SB9 regulations passed in PV to comply with state law, private property owners with lots in many areas in Portola Valley now have the right to have one existing primary residential dwelling unit, one new primary residential dwelling unit, one accessory dwelling unit, and one junior accessory dwelling unit, for four units in total. The dwelling units must comply with safety regulations which may limit the size and location of new buildings. In the event a private property owner chooses to split their lot with an SB9 split, the resulting 2 lots can have a maximum of 4 SB9 units spread over the two new lots. Those units can consist of primary residential unit or an ADU. The maximum will always be 4 units on what was the original lot. "The development can be denied if it poses specific, adverse impact on public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact." Very high wildfire risk properties as well single egress, less than 18' wide are prohibited from adding SB9 housing. (Note: SB9 was actually written to give greater control to **private property owners** by

taking away **local control**. That means a property owner has greater options to develop their private property **without the input of their neighbors or of the Town**. This obviously has serious implications on all sides. Private property owners now have the ability to build at greater density on their property if they want but their neighbors are the ones more at risk of potential side effects of that greater density. The safety issues on many properties in our Town, including fire risk, steep slopes, and unstable ground will preclude the addition of housing units in quite a few areas in Portola Valley. Bear in mind that any restrictions on SB9 units or ADUs are also restrictions on private property rights. There's definitely a balance needed between safety and those rights.)

The following are the restrictions:

SB9 units are only allowed where they would not result in adverse impacts to public health and safety or the physical environment. The maximum allowed floor area for the parcel shall be calculated by using the parcel's size, slope, mapped ground movement potential, and mapped flooding potential with some exceptions to allow the development of two SB9 units with a maximum size of 800 sf if the AMFA is exceeded. In general, one off-street parking space must be provided for each SB9 unit unless a car share is located within 1 block. The owner must reside on the lot for 3 years after an SB9 split. CEQA does not apply to ministerially reviewed projects. **HOAs are NOT exempt**. SB9 development is not allowed within an historic district. There are more specifics available in the links above and below.

1. SB9 Units not complying with the Town setbacks (10-, 20-, or 25-foot sides and rear, depending on the size of the lot): The units must comply with a fire safety building checklist and have restrictions on windows and amenities such as patios. The maximum height is 16 feet. Homes can be built no closer than 4 feet from the property line (highly discouraged in PV). Note that there are onsite wastewater or sewer requirements (and West Bay is holding a hearing later this month to increase rates for hookups to sewer on the order of \$400/drain.)
Maximum sizes:
 - a. 850 sf for up to one bedroom or 1000 sf for more than one bedroom.
2. SB9 Units complying with Town setbacks: The maximum height is 18 feet or 24 feet, depending on lot size. Maximum sizes:
 - a. 1200 sf on parcels under 3.5 acres
 - b. 1500 sf on parcels 3.5 acres or more.
3. SB9 Units that are larger than these maximum sizes must comply with the Town's regular zoning and design review process to gain permission.

Regular ADU regulations with maximum floor areas (and minimum where indicated) 18.36.040 - Accessory uses.

One ADU (max 1200 sf exterior adu or 1700 sf internal adu) and one JADU (max 500 sf) shall be permitted on all parcels smaller than three and one-half acres in size.

Two ADUs shall be permitted on parcels three and one-half acres or larger in size as follows: one ADU must be detached from the main building and one ADU must be internal. A JADU shall be permitted in lieu of an internal ADU.

Permissible types of ADUs:

1. An efficiency unit (150 sf minimum). Partial kitchen and bath facilities.
2. A manufactured home (8 x 40) 320 sq feet. Kitchen and bath facilities. (I believe this can include wheeled tiny homes but need confirmation).
3. Junior ADU up to max 500 sf (internal to a building on the site) Requires a private entrance, kitchenette, and at least shared bath facilities. My understanding of kitchen requirements is that they must contain a sink, counter, refrigerator, and oven. A microwave oven may suffice. Induction cooktops are easily added without construction required. ("Permanent provisions for living, sleeping, eating, cooking, and sanitation.")
4. Internal ADU. Created by converting existing or proposed interior space of a single-family or multi-family structure, such as bedrooms, attached garages, basements or attics, or a combination thereof. Converted space can also be within an existing accessory structure. Requires a private entrance, private kitchen, and private bath. Maximum size is 1700 square feet for internal ADUs on all parcel sizes.
5. External ADU. A unit which requires new construction (i.e. a permit), either attached to or detached from the main building. An existing accessory building can be turned into an ADU by the addition of the missing requirements (private entrance, private kitchen, and private bath).

Maximum sizes:

- a. 850 sq for up to one bedroom (SB9 regs) and not complying with setbacks and zoning.
- b. 1000 sf for over one bedroom (SB9 regs) and not complying with setbacks and zoning.
- c. 1200 sf for parcels under 3.5 acres and complying with setbacks and zoning
- d. 1500 sf for parcels 3.5 acres or more and complying with setbacks and zoning (limited to 1200 if property also has an interior adu)

Dedicated parking space required per unit. Maximum height 16', 18' or 24' depending on zoning and lot size.

Additional setbacks may be required for fire safety, emergency vehicle access, geology, seismic, creek, topography, and other similar public health and safety considerations.

Total development on a parcel is limited by Adjusted Maximum Floor Area, or AMFA. The maximum allowed floor area (AMFA) for a residential parcel is calculated by the town using the parcel's size, slope, mapped ground movement potential, and mapped flooding potential. Calculation worksheet available in the zoning code.

ADUs are not allowed on properties under an acre on streets that have only 1 egress and that are less than 18 feet in width. (This is all of the Santa Maria and Wayside neighborhoods and Prado Court.)

Other restrictions exist due to fire safety, geological hazards, flood zones, and other safety issues.

I haven't gotten confirmation of the date for permitting for a unit (or conversion to an ADU) to be included in RHNA #6, but I believe it is as of July 1, 2022.

Other sources of information:

[Senate Bill 9 \(SB 9\): An Overview \(ca.gov\)](#)

[SB 9: The California HOME Act | Focus](#)

[Bill Text - SB-9 Housing development: approvals. \(ca.gov\)](#)
[California Code, Government Code - GOV § 65852.2 | FindLaw](#) (ADU)

Regards,
Rebecca Flynn

From:
To: [housing](#)
Subject: Zulberti Nathorst Affidavit
Date: Monday, April 18, 2022 11:28:47 AM
Attachments: [Zulberti Affidavit.pdf](#)

See attached.

ALAN J. ZULBERTI

March 24, 2022

To the Board of Directors and Town of Portola Valley,

I have heard about the dense R3 (multi-family) zoning proposed for the Nathorst area, including our house on 190 Portola Road next to the Woodside Priory. We have owned this property for more than forty years and lived in Portola Valley for more than 30 years.

Real Estate Law was created for the sole purpose of protecting homeowners against inappropriate confiscation of said rights and the inalienable detriment of ownership rights to ~~the owners of such properties. We own several properties in the Bay Area, one of which was~~ built in 1903 of which I'm the third generation to have owned this property. We have maintained and kept these properties for the benefit of our children and grandchildren. Our son is also a graduate of The Woodside Priory and I wouldn't be surprised if our two grandsons end up going to the Priory as well.

Just because we have the ability to do something, doesn't mean we should. The history books are full of clear examples where people and governments have made horrendous errors in judgement to everyone's detriment. Let's not go down that road.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on this 24th day of March 2022 at 2 Ohlone Trace, Carmel, California.

Sincerely,



Alan J. Zulberti

2 OHLONE TRACE • CARMEL, CA • 93923
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AlanZulberti@att.net