

TOWN COUNCIL WEEKLY DIGEST

Thursday – October 14, 2021

1. Agenda – Ad-Hoc Housing Element Committee – Monday, October 18, 2021
2. Agenda – Trails & Paths Committee – Tuesday, October 19, 2021
3. Agenda – Finance Committee – Tuesday, October 19, 2021
4. Agenda – Planning Commission – Wednesday, October 20, 2021
5. Agenda – Sustainability Committee – Thursday, October 21, 2021
6. Correspondence from resident Peter Chargin re Fire Safety
7. Correspondence from residents re agenda item SB 9 of the October 13 Town Council agenda
8. Correspondence from resident Dale Pfau re SB 9 on the October 13 Town Council agenda
9. Correspondence from resident Jerrie Welch re SB 9 Fact Sheet from Livable California
10. Invitation to the San Mateo County's 25th Annual Indicators Report – Tuesday, October 19, 2021

Attached Separates (Council Only)

(placed in your Town Hall mailbox)

1. None



TOWN OF PORTOLA VALLEY

4:30 PM – Ad Hoc Housing Element Committee Meeting
Monday, October 18, 2021

**THIS MEETING IS BEING HELD
VIA TELECONFERENCE ONLY**

MEETING AGENDA

Remote Meeting Covid-19 Advisory: On September 16, the Governor signed AB 361, amending the Ralph M. Brown Act (Brown Act) to allow legislative bodies to continue to meet virtually during the present public health emergency. AB 361 is an urgency bill which goes into effect on October 1, 2021. The bill extends the teleconference procedures authorized in Executive Order N-29-20, which expired on September 30, 2021, during the current COVID-19 pandemic and allows future teleconference procedures under limited circumstances defined in the bill. Portola Valley Town Council and commission and committee public meetings are being conducted electronically to prevent imminent risks to the health or safety of attendees. The meeting is not available for in-person attendance. Members of the public may attend the meeting by video or phone linked in this agenda.

Below are instructions on how to join and participate in a Zoom meeting.

Join Zoom Meeting Online:

Please select this link to join the meeting:

<https://us06web.zoom.us/j/83342167720?pwd=ZW03NE9YQlhxTHpid2JCYXQyT1I3Zz09>

Or: Go to Zoom.com – Click Join a Meeting – Enter the Meeting ID

Meeting ID: 833 4216 7720 **Passcode:** 644998

Or Telephone:

1. 669.900.6833

1.888.788.0099 (toll-free) Enter same Meeting ID and Passcode

*6 - Toggle mute/unmute.

*9 - Raise hand.

Remote Public Comments: Meeting participants are encouraged to submit public comments in writing in advance of the meeting. Please send an email to housing@portolavalley.net by 12:00 PM on the day of the meeting. All comments received by that time will be distributed to Committee Members prior to the meeting. All comments received are included in the public record.

We encourage anyone who has the ability to join the meeting online to do so. You will have access to any presentations that will be shown on your screen and can easily provide comments using the “raise your hand” feature when the Chair calls for them.

Approximate timeframes are provided for agenda items as a guide for the Chair, Committee Members, and the public. Actual times may vary.

Committee Members:

Jeff Aalfs - Town Council Subcommittee
Aimee Armsby
Sue Crane
Sarah Dorahy
Erik Doyle
William Kelly
Anne Kopf-Sill - Planning Commission Representative
Andrew Pierce - Race and Equity Committee Representative

Al Sill - ASCC Representative and Vice-Chair
Jocelyn Swisher - Chair
Nicholas Targ - Planning Commission Representative
Bob Turcott
Janey Ward
Sarah Wernikoff - Town Council Subcommittee
Helen Wolter

Staff Contacts:

Laura Russell - Planning & Building Director
Adrienne Smith - Senior Planner

4:30 PM - CALL TO ORDER AND ROLL CALL

ORAL COMMUNICATIONS

Persons wishing to address the Ad Hoc Housing Element Committee on any subject not on the agenda may do so now. Please note however, that the Ad Hoc Housing Element Committee is not able to undertake extended discussion or action tonight on items not on the agenda. Comments will be limited to two minutes per person.

COMMITTEE DISCUSSION

1. Values, Decorum and Public Comment – Published (5 Minutes)
2. Introduction to Housing Sites Inventory (45 Minutes)
3. Housing Sites Inventory Selection – Possible Scenarios (60 Minutes)

INFORMATIONAL PRESENTATION

4. Regional Housing Needs Allocation (RHNA) Zoning Target Concept (30 Minutes)

STAFF AND COMMITTEE REPORTS

5. Staff Updates/Announcements (10 Minutes)
 - *Upcoming Topics*
 - *Update on 10/13/21 Town Council discussion of SB9 and SB10*

APPROVAL OF MINUTES

6. Ad Hoc Housing Element Committee Meeting of 9/20/21

ADJOURNMENT

AVAILABILITY OF INFORMATION

For more information on the items to be considered by the Committee, please email housing@portolavalley.net. Any writing or documents provided to a majority of the Town Council or Commissions regarding any item on this agenda will be made available for public inspection at Town Hall located 765 Portola Road, Portola Valley, CA during normal business hours. Copies of all agenda reports and supporting data are available for viewing and inspection at Town Hall.

ASSISTANCE FOR PEOPLE WITH DISABILITIES

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Department at (650) 851-1700. Notification 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting.

PUBLIC HEARINGS

Public Hearings provide the general public and interested parties an opportunity to provide testimony on these items. If you challenge any proposed action(s) in court, you may be limited to raising only issues you or someone else raised at the Public Hearing(s) described in this agenda, or in written correspondence delivered to the Committee at, or prior to, the Public Hearing(s).



TOWN OF PORTOLA VALLEY
Trails and Paths Committee Meeting
Tuesday, October 19, 2021, 8:15 AM

Special Videoconference Meeting via Zoom

SPECIAL VIDEOCONFERENCE MEETING AGENDA

Remote Meeting Covid-19 Advisory: On September 16, the Governor signed AB 361, amending the Ralph M. Brown Act (Brown Act) to allow legislative bodies to continue to meet virtually during the present public health emergency. AB 361 is an urgency bill which goes into effect on October 1, 2021. The bill extends the teleconference procedures authorized in Executive Order N-29-20, which expired on September 30, 2021, during the current COVID-19 pandemic and allows future teleconference procedures under limited circumstances defined in the bill. Portola Valley Town Council and commission and committee public meetings are being conducted electronically to prevent imminent risks to the health or safety of attendees. The meeting is not available for in-person attendance. Members of the public may attend the meeting by video or phone linked in this agenda.

Join Zoom Meeting:

<https://us06web.zoom.us/j/82345146983?pwd=NGNubXg4cjQxekIEK1A2TnV3bUNXQT09>

Meeting ID: 823 4514 6983

Password: 463119

To access the meeting by phone, dial:

1-699-900-6833

1-877-853-5247 (toll-free)

*Mute/Unmute - press *6*

*Raise Hand - press *9*

1. Call to Order
2. Welcome Liz Babb
3. Oral/Community Communications
4. Approval of Minutes from September 21, 2021, meeting
5. Old Business
 - a. Trail Conditions, Work, and Budget for September 2021: Howard Update/Discussion
 - b. Alpine Trail/Safe Route to Schools Subcommittee: Group – membership and charter/objectives discussion
 - c. PV Trail Map Subcommittee: Group – membership and charter/objectives discussion
 - d. Stanford Faculty Housing Subcommittee: Group – membership discussion
6. New Business
 - a. Committee Membership for 2022
7. Other Business
8. Adjournment



TOWN OF PORTOLA VALLEY
Finance Committee Meeting
Tuesday, October 19, 2021– 3:00 - 5:00 PM
Special Videoconference Meeting via Zoom

SPECIAL VIDEOCONFERENCE MEETING AGENDA

Remote Meeting Covid-19 Advisory: On September 16, the Governor signed AB 361, amending the Ralph M. Brown Act (Brown Act) to allow legislative bodies to continue to meet virtually during the present public health emergency. AB 361 is an urgency bill which goes into effect on October 1, 2021. The bill extends the teleconference procedures authorized in Executive Order N-29-20, which expired on September 30, 2021, during the current COVID-19 pandemic and allows future teleconference procedures under limited circumstances defined in the bill. Portola Valley Town Council and commission and committee public meetings are being conducted electronically to prevent imminent risks to the health or safety of attendees. The meeting is not available for in-person attendance. Members of the public may attend the meeting by video or phone linked in this agenda.

Join Zoom Meeting:

<https://us06web.zoom.us/j/84567826384?pwd=NTNOa2QxMWpJUDMwM3ZHVUFxdzJ5UT09>

To access the meeting by phone, dial:

1-669-900-6833

1-877-853-5247 (toll-free)

*Mute/Unmute – Press *6 / Raise Hand – Press *9*

Meeting ID: 845 6782 6384

Password: 456974

1. Call to Order
2. Roll Call
3. Oral Communications and Announcements
4. Approve minutes from August 30, 2021, meeting
5. Update to Finance Committee Charter: Quarterly Meetings
6. Climate Crisis and Fossil Fuel Divestment
7. FY 2021-22 First Quarter Report
8. New Committee Chair
9. Committee Membership for 2022
10. Adjournment



TOWN OF PORTOLA VALLEY

7:00 PM – Special Meeting of the Planning Commission
Wednesday, October 20, 2021

**THIS SPECIAL MEETING IS BEING HELD
VIA TELECONFERENCE ONLY**

SPECIAL MEETING AGENDA

Remote Meeting Covid-19 Advisory: On September 16, the Governor signed AB 361, amending the Ralph M. Brown Act (Brown Act) to allow legislative bodies to continue to meet virtually during the present public health emergency. AB 361 is an urgency bill which goes into effect on October 1, 2021. The bill extends the teleconference procedures authorized in Executive Order N-29-20, which expired on September 30, 2021, during the current COVID-19 pandemic and allows future teleconference procedures under limited circumstances defined in the bill. Portola Valley Town Council and commission and committee public meetings are being conducted electronically to prevent imminent risks to the health or safety of attendees. The meeting is not available for in-person attendance. Members of the public may attend the meeting by video or phone linked in this agenda.

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Or: Go to Zoom.com – Click Join a Meeting – Enter the Meeting ID

Meeting ID: 859 5379 9570 **Passcode:** 115475

Or Telephone:

1.669.900.6833

1.888.788.0099 (toll-free) Enter same Meeting ID

*6 - Toggle mute/unmute.

*9 - Raise hand.

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We encourage anyone who has the ability to join the meeting online to do so. You will have access to any presentations that will be shown on your screen and can easily ask questions using the “raise your hand” feature when the Chair calls for them.

7:00 PM - CALL TO ORDER AND ROLL CALL

Commissioners Goulden, Hasko, Targ, Vice-Chair Kopf-Sill, Chair Taylor

ORAL COMMUNICATIONS

Persons wishing to address the Planning Commission on any subject not on the agenda may do so now. Please note, however, that the Planning Commission is not able to undertake extended discussion or action tonight on items not on the agenda.

PUBLIC HEARING

1. Review of grading in excess of 1,000 cubic yards associated with development of a new residence, File #PLN_SITE0007-2021, 857 Westridge Drive, RLD LAND LLC (D.Parker)

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

2. Commission Reports
3. Staff Reports
 - a. Recent Legislation – SB 9 and SB 10

APPROVAL OF MINUTES

4. Planning Commission Meeting of October 6, 2021

ADJOURNMENT

ASSISTANCE FOR PEOPLE WITH DISABILITIES

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PUBLIC HEARINGS

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TOWN OF PORTOLA VALLEY
Sustainability Committee Meeting
Thursday, October 21, 2021 7:00 PM
Special Videoconference Meeting

SPECIAL VIDEOCONFERENCE MEETING AGENDA

Remote Meeting Covid-19 Advisory: On September 16, the Governor signed AB 361, amending the Ralph M. Brown Act (Brown Act) to allow legislative bodies to continue to meet virtually during the present public health emergency. AB 361 is an urgency bill which goes into effect on October 1, 2021. The bill extends the teleconference procedures authorized in Executive Order N-29-20, which expired on September 30, 2021, during the current COVID-19 pandemic and allows future teleconference procedures under limited circumstances defined in the bill. Portola Valley Town Council and commission and committee public meetings are being conducted electronically to prevent imminent risks to the health or safety of attendees. The meeting is not available for in-person attendance. Members of the public may attend the meeting by video or phone linked in this agenda.

Join Zoom Meeting:

<https://us06web.zoom.us/j/81404444302?pwd=Ym5oRDVZUEV4ckZ5RFhvYzhXMS9WUT09>

Meeting ID: 814 0444 4302

Password: 315082

To access the meeting by phone, dial:

1-699-900-6833

1-877-853-5247 (toll-free)

*Mute/Unmute - press *6 / Raise Hand - press *9*

1. Call to Order
2. Oral Communications
3. Introductions
3. Approval of September 16, 2021 *(August 21, 2021 Minutes will be agendized once received)*
4. Old Business
 - a. Updates from Maryann
 - b. Updates from Brandi
 - c. Updates by Subcommittees
 - i. Climate Change Reading and Discussion Group
 - ii. Blackout Protection
 - a. Report on test of power backup system purchased (Stefan)
 - iii. Smart Water Meter Implementation
 - iv. Recruit New Members
 - d. Recap of Town Picnic Outreach
6. New Business
 - a. Appointment of Members to Housing Element Committee of Committees
 - b. Review of Housing Element Documents and Meetings (Rebecca and Scott)
 - c. Discussion of what the Sustainability Committee might want to represent to the Committee of Committees
7. Next Meeting and Proposed Agenda Topics: November 18, 2021, 7 pm
8. Adjournment

Sharon Hanlon

From: Pete Chargin
Sent: Tuesday, October 12, 2021 9:55 PM
To: Sharon Hanlon <shanlon@portolavalley.net>
Subject: Fire safety

Hi Sharon.

Will you please forward this to all members of the town council for their reading, and make it part of the public record?

Thank you all for your service to the town.

Please increase the priority of fire safety in our town.

Over the past few years, we have seen the climate change and the risk of fire in our town increase dramatically. According to all science I can find, it is very likely that the **risk of a catastrophic fire incident will increase substantially** over the next ten years, and the decisions we make now will have a direct impact on whether our homes and perhaps even many lives are lost.

There are many good ideas to improve fire safety, and I urge you to address this as a top priority now. We must determine how we can safely meet the demands for additional housing in the town before we adopt new guidelines for housing or before we approve any major new developments.

I am not anti-development, but I am pro-safety. Please figure out fire safety now.

Thank you.

pete

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+++++

Peter Chargin
Portola Valley resident for 25+ years

To: Town Council
 From: Bob Turcott
 Date: October 13, 2021

Subject: Safe compliance with SB 9 - Agenda item 14

“California is on track for yet another record-breaking, climate-fueled wildfire season. As these mega-disasters become the norm, it is more critical than ever that we build responsibly. We can’t keep making the same mistakes.”

- California State Attorney General Rob Bonta

California’s constitution and SB 9 are clear: The entity with the authority and responsibility for ensuring safe development is the local municipality.

Dear Council Member,

SB 9 is described as effectively ending single-family zoning in the state. For example, the law allows 4 houses to be constructed on parcels that are zoned for single family homes.

It is time for the Town Council to take up and fulfill its responsibility and authority to protect the public safety of Portola Valley’s residents. **The Council must ensure that we have an objectively based, professionally enforced set of fire safety regulations in place by January 1, 2022 to prevent unsafe developments from jeopardizing public safety or worsening our already precarious fire hazards and evacuation routes.**

The State Legislature has made clear that SB 9 is not intended to override or preempt the Town’s inherent power to protect public safety.¹

Prudent municipal planning is a critically important component of achieving wildfire resilience in a WUI. Home hardening and vegetation management are not sufficient. They can’t compensate for poor municipal planning.

The fire hazard we face is clear, extensive, and well documented by multiple fire safety and insurance professionals

The significantly elevated hazard includes far more of Portola Valley than the approximately 10% addressed by our ordinance-defined “ADU-restricted area”.

1. Cal Fire

Maps published in 2007 and 2008 indicated that, by Cal Fire’s analysis at that time, 61% of Portola Valley’s area was in High or Very High Fire Hazard Severity Zones, as shown in Fig. 1.²

¹ The codification of SB 9 makes this explicit: “...a local agency may deny a proposed housing development project if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon 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.” GOV 65852.21(d)

² osfm.fire.ca.gov/media/5985/portola_valley.pdf, osfm.fire.ca.gov/media/6801/fhszl06_1_map41.pdf

2. Woodside Fire Protection District

In 2008, the Woodside Fire Protection District conducted an independent investigation and identified 4 Very High Fire Hazard Severity Zones: the majority of the western hills, Westridge Hills, Alpine Hills, and the Ranch.³

3. Moritz Arboricultural Consulting

The Town retained Moritz Arboricultural Consulting, which in 2008 identified 19 highest hazard areas throughout Portola Valley (Fig. 2).⁴

4. Insurance industry

Perhaps the most rigorous and contemporary objective assessment of the risk we face comes from the insurance industry.

The prevalence of rapidly increasing premiums or outright cancellation due to excessive risk is well known to Portola Valley residents and the Town Council. Mayor **Derwin** frequently cites her own experience of twice losing coverage. Council Members **Hughes** and **Richards** suggest that if trends continue it may become impossible to insure new and existing homes.⁵ Council Member **Aalfs** estimates that close to 1/3 of Portola Valley's homes have lost insurance.⁶

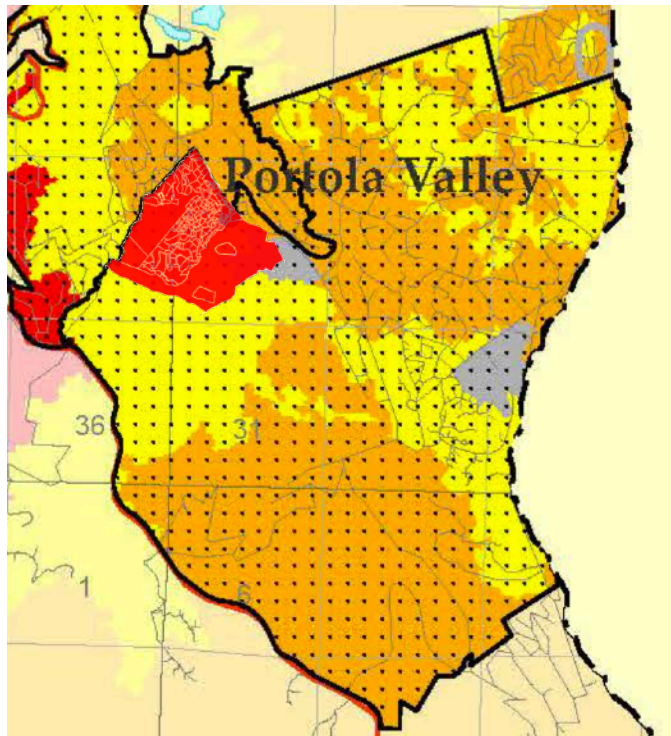


Fig. 1. Composite Cal Fire maps showing High (tan) and Very High (red) Fire Hazard Severity Zones, covering 61% of Portola Valley.



Fig. 2. Map from the 2008 Moritz Report. Circles show the areas within Portola Valley that the independent consultant deemed to be "highest hazard".

³ Memorandum from Cara Silver, Town Attorney, dated June 17, 2021, in June 17, 2021 Town Council agenda, red page 161

⁴ drive.google.com/file/d/1ZK-7Yf86bKvsR16Ggh5fDeYu9vgdo-xC/view?usp=sharing

⁵ Letter by Hughes and Richards to Dept of Insurance Commissioner Lara, Dept of Housing and Community Development Director Velasquez, CalFire Chief Porter, dated August 23, 2021

⁶ As quoted in "Getting burned: Battles over the cost of climate change are scorching California homeowners" Fortune Magazine, September 28, 2021

The Town Council has failed to prioritize fire safety

Recent examples include the following:

- On July 14, 2021, the Council approved ordinance amendments that allow, in high hazard areas, construction of ADUs that fail to meet basic fire safety standards. Though the state mandates explicitly preserved the Town's authority to exclude such construction as needed for public safety, during their deliberations neither the Planning Commission nor the Town Council considered whether such construction was safe. Neither body sought nor heard expert guidance from fire safety professionals regarding where in town such non-compliant construction was acceptable, and from which areas it should be excluded.
- On June 23, 2021, the Council elected not to appeal our Regional Housing Needs Allocation (RHNA) - a state mandate for 253 additional housing units in the next 8 year housing cycle, representing an increase in housing stock of 15% if the entire area of Portola Valley is available for development, and a 37% effective increase if development is restricted to areas outside our High and Very High Fire Hazard Severity Zones, as previously determined by CalFire.

This decision was particularly perplexing in light of

- empirical analysis that revealed a systematic bias in the RHNA methodology against high-hazard communities.⁷
- lack of consideration of the extent of high hazard areas in Portola Valley by the RHNA methodology. Indeed, in the words of a senior ABAG planner: whether Portola Valley was 100% Very High hazard or 0%, our RHNA would be the same - 253 units.
- knowledge by the Town Council of the epidemic of insurance loss among Portola Valley residents, as cited above.

The Staff Report minimizes the potential for new construction

The Staff Report⁸ includes results from a Turner Center analysis that attempts to estimate the number additional market-viable housing units that will result from SB 9. Unfortunately, these results are irrelevant for us. Not only were towns of Portola Valley's size excluded from the analysis, but as one of the most expensive communities in the region, the differences in economic forces that exist in Portola Valley vs the larger communities on which the analysis was based are simply too great to allow accurate extrapolation.

The Staff Report includes speculation that SB 9 is not likely to significantly increase housing in Portola Valley. Quantitative analysis was not provided. In fact, there are reasons to suspect that the Report's conclusion is incorrect. The opportunity to liquidate half of a large, multimillion dollar parcel will no doubt be attractive for many residents.

In any case, the Town Council should not base its approach to safety on presumed knowledge of how many units will be constructed. Safe compliance with SB 9 should be the highest priority, regardless of the anticipated amount of new construction.

⁷ Letter by Turcott to Town Council, dated July 6, 2021. drive.google.com/file/d/1-w5ILUAmcqzZOX_g4hi72MalxNKF4m_o/view?usp=sharing

⁸ "Discussion of New Housing Legislation, including SB 9 regarding Urban Lot Splits and SB 10 exempting certain rezonings from environmental review", dated October 13, 2021, included in the October 13, 2021 Town Council agenda starting on red page 134.

The Staff Report ignores fire safety

Aside from quoting a portion of the the Government Code, the Staff Report does not acknowledge, let alone highlight, that the responsibility and authority for ensuring safe development lies with the Town Council. Nor does the report describe what must be done by January 1, 2022 in order for the Town to exercise this responsibility.

SB 9 identifies requirements to exercise our authority to preserve public safety

SB 9 details what the Town must do in order to put itself in a position to protect public health and safety against development projects that would endanger existing residents and neighborhoods.⁹

First, “objective, identified written public health or safety standards” must be established.

Second, a development proposal is compared against these standards.

Third, the proposal is rejected if a “specific, adverse impact” relative to the standards is identified.

NFPA 1140: Standard for Wildland Fire Protection

The National Fire Protection Association (NFPA) is an authoritative, national, nonprofit organization “devoted to eliminating death, injury, property and economic loss due to fire, electrical and related hazards” through the development of **evidence-based** codes and standards.

NFPA 1140: Standard for Wildland Fire Protection is comprehensive, objective, evidence-based, and, having been recently revised, is up to date. It’s quality and scope far exceeds what could be developed *de novo* locally.

Importantly, NFPA 1140 fills many of the critical gaps that exist in the building code. Being based on objective, scientific study, the Standard removes the subjectivity, bias, and arbitrariness of *ad hoc* judgements by individuals. NFPA Standards are iterated frequently, on time scales much shorter than building codes, so they better reflect current knowledge. For these reasons and others, they are widely adopted.

Vegetation management and home hardening are not adequate mitigation for poor municipal planning

Town-wide and site-specific hazard and risk analysis, appropriate siting of structures within the fuel complex, appropriate structure-to-structure separation, and other elements of municipal planning are as important to wildfire resiliency as home hardening and vegetation management. All three elements are necessary. It is impossible to adequately mitigate risk when one component is neglected.

Challenges for the Town Council

Placing up to 4 housing units on parcels zoned for 1 in high fire hazard areas will impact public safety in obvious and potentially disastrous ways - from intensifying a wildfire through

⁹ Government Code 65589.5(d)(2)

significantly increased fuel loading and structure-to-structure ignition, to further degrading our already tenuous evacuation capacity.

These are literally issues of life and death.

The Town Council should:

1) Prioritize fire and geologic safety.

In its Report (page 6), Staff recommends adopting an implementing ordinance by January 1, 2022 which, the Reports states, should “ [1] Provide a process for acting on ‘urban lot splits’ . [, and 2] Adopt objective standards for these mandatory, ministerial lot splits and two-unit development projects”

Rather than ignoring fire safety, the first objective of the ordinance should be to define the “objective, identified written public health or safety standards” by which the fire and geologic safety of proposed developments can be assessed, and, if found to pose an unmitigable impact on hazard and risk, be rejected.

NFPA 1140 should be adopted to protected us from hazardous development, with the authority to implement and enforce the Standards delegated to fire safety professionals such as WFPD’s Fire Marshal Don Bullard.

This needs to be done now. Not at some indefinite time in the future.

2) Educate itself on the fire hazards we face.

As our elected representatives, the Council should place “Wildfire Safety Standards” on the agenda, and should insist on hearing directly from our fire safety and prevention professionals - WFPD Fire Marshal Don Bullard or former WFPD Fire Marshal and current Fire Safe San Mateo County Executive Director Denise Enea. This is too important to rely on recommendations compiled by staff or committees.

Questions the fire safety and prevention professionals should address include:

- Are the Cal Fire, WFPD, and Moritz assessments from 2007-2008 representative of the hazard we face, or do they overestimate the hazard?
- What are the advantages of adopting NFPA 1140? What are the disadvantages?
- Can the risk incurred by construction that violates NFPA 1140 Standards be mitigated with home hardening and vegetation management?
- Should NFPA 1140 be adopted as the “objective standard” for wildfire safety called for by SB 9?
- What competent authority should be entrusted with adopting the NFPA Standard for our community?
- What competent authority should be entrusted with administering these Standards?

Sincerely,

Robert Turcott

Cc: Ad Hoc Housing Element Committee, Planning Commission, WFPD Fire Marshal Bullard, PV Forum

Sharon Hanlon

-----Original Message-----

From: Gene Chaput

Sent: Wednesday, October 13, 2021 10:41 AM

To: Sharon Hanlon <shanlon@portolavalley.net>

Cc: Susan Chaput

Subject: SB 9/Housing Element

To the PV Town Council -

In light of our State 'Representatives' short sighted decision to pass SB 9 and the resulting consequences, want to express our deep concerns that the PV Town Council strongly consider the safety issues inherent in the possible unabated housing growth that could result as it will seriously impact what we are already facing in terms of fire, earthquake, insurance, traffic evac issues (among many others). The Council needs to consider the needs of current residents and their SAFETY as this is paramount. Strongly urge the Council to 'SLOW THE ROLL'!

Susan and Gene Chaput

Alamos Road

Portola Valley, Ca 94028

Sharon Hanlon

From: Monika Cheney

Sent: Wednesday, October 13, 2021 10:04 AM

To: Jeremy Dennis <jdennis@portolavalley.net>; Craig Hughes <chughes@portolavalley.net>; John Richards <jrichards@portolavalley.net>; Jeff Aalfs <JAalfs@portolavalley.net>; Sarah Wernikoff <swernikoff@portolavalley.net>; Maryann Moise Derwin <mderwin@portolavalley.net>

Subject: Tonight's agenda - SB 9 10 and our RHNA allocation

Dear Portola Valley Town Council Members, Town Manager, Town Attorney and Town Planner,

I am writing to stress the critical importance of the Town of Portola Valley, via each of you, doing everything in our power to push back against the complete and utter usurpation of Portola Valley's local control over our local planning, and, if the Town does not act quickly, over our local fire and earthquake safety, heading our way through SB 9's urban lot splits and "by-right" two unit developments, and the Town's complete refusal (despite it being [the number one priority recommendation from the last Ad Hoc Committee on Housing](#) (page 69)) to push back against our RHNA numbers.

In the staff report prepared for tonight's Town Council meeting discussion of SB 9 and 10, staff acknowledges that SB 9 would potentially allow for a single lot in Portola Valley with one home on it to be split into two lots, and to have two residential homes on each lot. And then, when you add in ADUs in support of our absurdly high RHNA number, this turns into four units per lot. In other words, a single lot in nearly any neighborhood in Portola Valley (min lot size would only be 1,200 sq ft) could potentially go from having one home to eight. To say the least, this will be an earth-shattering change for the rural character of our community, and a massive increase to our fire hazard and emergency exit risks, which, as repeatedly highlighted for the Town by CalFire, Woodside Fire Protection District, Moritz Consulting, numerous concerned residents, and perhaps most palpably in the absence of a fire, the insurance industry cancellations of homeowners' insurance in PV due to fire hazard, is already an extremely frightening issue.

Our Town planning is centered around our General Plan, which has served us well since our founding. SB 9 and 10 and our extremely high RHNA allocation essentially tear that document to shreds. There can be no more pressing or urgent issue facing our Town Council at this time than doing everything we can to push back against both SB 9's 8x housing multiplier and the Town's RHNA allocation of 253 units of new housing. This would entail hiring legal counsel to provide a far more detailed analysis of SB 9 and our RHNA allocation, joining or leading litigation against SB 9 (SB 10 as well but it appears less controlling over local jurisdictions) and our RHNA allocation, not approaching land owners and encouraging additional high density housing in our community in areas like the Wedge (particularly before we fully understand what SB 9 means for Portola Valley), and very importantly, establishing significant "objective, identified written public health or safety standards" relating to fire and geologic safety, and emergency exit planning for our community such that the Town of Portola Valley can be positioned to get exemptions from SB 9's 8x multiplier in housing, using the "objective standards" exemption. (For this exemption to be potentially available these objective standards must be created now (see generally Government Code § 65589.5(h).))

Yet, in the memo prepared by staff for tonight's discussion of SB 9 and 10 (our RHNA allocation is not on the agenda but should be added since it is tied in to the 8x multiplier of SB 9), staff seems unconcerned about the 8x housing multiplier in PV, stating "While it is possible that SB 9 will encourage more speculative development and will result in a few additional urban lot splits or construction of two smaller units on a single lot, staff does not view this as a realistic scenario at this point. Instead, the removal of subjective design review over single family homes is likely to be the most impactful aspect of SB 9 in Portola Valley." There is no

explanation provided for the claim that SB 9 will not result in more than a few instances of additional urban lot splits or adding more units on a single lot. I urge you to provide a far more detailed, legal analysis of SB 9 and our RHNA allocation. Unless there is a legal basis for this hoped-for scenario in Portola Valley, it is hard to imagine how many owners of property Portola Valley would not split their parcels in two, and build two homes on each lot, with perhaps an ADU for each of those four homes (1 home becomes 8). You may think all homeowners in Portola Valley preference living in larger open spaces, however, many current owners and future buyers/developers would be very interested in the potential financial gains from such development.

Thank you for your attention to this important matter.

Sincerely yours,

Monika Cheney

Sharon Hanlon

Dear Sharon,

I request that you please forward to all Council members and include in the public packet the following letter for tonight's council meeting.

Dear Council Member,

It is time for the Town Council to take up and fulfill its responsibility and authority to protect the public safety of Portola Valley's residents. The Council must ensure that we have an objectively based, professionally enforced set of fire safety regulations in place by January 1, 2022 to prevent unsafe developments from jeopardizing public safety or worsening our already precarious fire hazards and evacuation routes.

The State Legislature has made clear that SB 9 is not intended to override or preempt the Town's inherent power to protect public safety.

I have spent the last year diligently hardening my home at 550 Westridge against wildfire, but all of this will have been done for nothing unless the town council creates prudent municipal planning which is a critically important component of achieving wildfire resilience in a WUI.

I feel you have your priorities backwards: you give first priority to new planning development over the safety of the town's residents—just look at where the staff time and money goes.

Robert Younge

Town Council

Portola Valley, CA

October 13, 2021

Subject: SB9 and SB10

1. I specifically asked three council members and the town manager to bring SB9 and SB10 to the council for discussion before they passed and were signed into law. For reference, 36% of the towns in CA opposed SB9 and SB10 while this council was **silent**. This council is now well behind the curve in understanding the implications and dealing with the aftereffects. Furthermore, the staff report for the 13 October meeting is based on conjecture and one study that was put out by proponents of SB9 and SB10; I completely reject the conclusions of the staff report and suggest that this council needs to do more work on understanding the dangers to the residents of Portola Valley. Perhaps reviewing the staff reports of the 36% of the towns in CA that opposed SB9 and SB10.
2. NFPA 1140, 2022 edition* section 12.2.1 calls for 30 feet separation between buildings and a 30 ft setback from property lines. Studies have continued to show that radiant heat from burning structures is hotter than crown or ground fire and leads to more destructive wildfires – thus the setback requirements. As NFPA 1140 is the accepted standard for wildland fire, anything less than 30 ft in future building requirements endangers the health and safety of everyone in Portola Valley. As SB9 has only minimal setbacks, this council must adopt policies and procedures that insure the safety of Portola Valley and reject the majority of SB9.

With best interests,

Dale Pfau

5030 Alpine Road

*For a discussion of NFPA and 1140, see notes from Wildfire Committee meeting of October 5, 2021

----- Forwarded Message -----

From: Livable California <contact@livableca.org>

To: Jerrie Welch

Sent: Wednesday, October 13, 2021, 07:31:15 AM PDT

Subject: SB 9 Fact Sheet: The Media Missed SB 9's Perilous Side. We're Correcting the Record.

October 13, 2021

Contact@LivableCa.org

SB 9 Fact Sheet: The Media Missed SB 9's Perilous Side. We're Correcting the Record.

Senate Bill 9 ends single-family zoning to allow four homes where one now stands. It was signed by Gov. Newsom, backed by 73 of 120 legislators and praised by many media. Yet a respected pollster found 71% of California voters oppose SB 9.

During the 2021 firestorms, SB 9 sailed through approvals. Yet it opens 1.12 million* homes in severe fire zones to unmanaged density — one-sixth of single-family homes in California. SB 9 could reshape, in unwanted ways, hundreds of [high-risk fire zones](#) that sprawl across California's urban and rural areas.

Proponents said fire-prone areas were exempted from SB 9. That is false. SB 9 applies in all severe fire zones such as Shasta, South Lake Tahoe, Paradise, Santa Rosa, Oakland, Ventura, Agoura Hills, Malibu, L.A., Ramona, Poway, San Diego and dozens more.

How Did We Get Here? Misreporting Helped SB 9 Become Law

As wildfires raged in 2021, an erroneous July report from Berkeley's Turner Center, "[Will Allowing Duplexes and Lot Splits on Parcels Zoned for Single-Family Create New Homes?](#)" led the media to misreport that SB 9 density wouldn't apply to homes in evacuation-prone, high fire severity zones.

Turner Center Director **Ben Metcalf**, in an email to Livable California, said SB 9 projects aren't allowed in fire severity zones unless a city "proactively allows for them or has specifically adopted a fire hazard mitigation measure." **This is incorrect.** Turner is looking at an old law, struck in 2018. Cities no longer have that power. Metcalf said SB 9 has "ambiguity" and isn't "cut and dry on fire hazard severity zones." **This is incorrect.** In fire severity zones, SB 9 builders [must only follow rules they already must follow](#) in [Chapter 7A of the Building Code](#). Thus SB 9 density is allowed in fire severity zones.

Turner Center's errors nevertheless spread statewide:

- The California Senate Democratic Caucus website mistakenly says SB 9 "[excludes the provisions of the bill being used in very high fire hazard severity zones.](#)" Its Myth Vs. Fact section wrongly claims SB 9 "[excludes very high fire hazard severity zones.](#)"
- Aug.18, *CalMatters* misreports, "[fire hazard zones ... would be barred from development.](#)"

- Aug. 20, *Mercury News* repeats, “[fire hazard zones ... would be barred from development.](#)”
- Aug. 22, *Los Angeles Times* editorial board endorses SB 9, erroneously stating “[The bill wouldn’t apply in ... certain high fire-risk areas.](#)”
- Sept. 7, *L.A. Times* misreports, “[land at high risk of fire](#)” is “[specifically exempt](#)” from SB 9.
- **Gov. Newsom’s signing of SB 9 in September was followed by more misreporting:**
 - Sept. 16, *San Francisco Examiner*, “[grants exceptions to ... fire zones.](#)”
 - Sept. 17, *Slate*, “[exemptions for ... fire hazard zones.](#)”
 - Oct. 3, *Bloomberg Opinion*, “[some exceptions, such as ... fire-prone areas.](#)”

SB 9's Impact in Fire Zones Was Hiding in a Loophole

Why did the 2021 legislative hearings fail to explore SB 9’s intent to allow density in severe fire zones?

The loophole is buried deep in a Government Code (existing state law) incorporated into SB 9. The loophole language seems to exclude severe fire zones from SB 9 density, but in fact does the opposite.

The [loophole can be found online](#) at Government Code 65913.4, paragraph (6), sub-paragraph (D) of subdivision (a). The sub-paragraph (D) allows development in fire severity zones *if builders merely abide by building standards they must already follow.*

The first sentence in “sub-paragraph (D)” says development is banned in fire severity zones. The second sentence undoes that safeguard: it “does not apply” where “fire mitigation standards” apply. And those fire mitigation standards are already applied in [Chapter 7A of the state Building Code.](#)

Now that SB 9 is law, how do communities and cities address the unplanned growth it allows in fire severity zones? Watch for our upcoming teleconference “Fire Zones and SB 9.”

*Next 10, an independent, non-partisan organization including UC Berkeley scholars, found in its June 10, 2021 “Rebuilding for a Resilient Recovery” report that 1.4 million housing units exist in high or very high-risk fire zones, 80% of which — or 1.12 million — are single-family homes.

Advocate for the empowerment of local governments to foster equitable, self-determined communities offering a path for all to a more livable California.

Livable California
2940 16th Street
Suite 200-1
San Francisco, CA 94103
United States

If you believe you received this message in error or wish to no longer receive email from us, please [unsubscribe](#).

Sharon Hanlon

From: Terry Nagel

Sent: Tuesday, October 12, 2021 10:35 PM

To: Brandi de Garmeaux <BdeGarmeaux@portolavalley.net>; Sharon Hanlon <shanlon@portolavalley.net>

Subject: Invitation to Indicators Launch Oct. 19

Hi Brandi and Sharon--

I'm writing to personally invite you to the unveiling of **Sustainable San Mateo County's 25th annual Indicators Report** from noon to 1 p.m. on **Tues. October 19** on Zoom. Each year we take a deep dive into one subject, and this year the report will focus on Equitable Housing and solutions for alleviating our housing crisis. Admission is free, but pre-registration is required at tinyurl.com/IR2021Launch.

Please share this invitation with colleagues and with residents via your city newsletter. **A suggested newsletter item is below.** Full details and a suggested graphic for social media are attached.

This online event from noon to 1 p.m. will feature:

- Rick Bonilla, Deputy Mayor of San Mateo
- Diana Reddy, Council Member, Redwood City
- Matt Franklin, Chief Executive, MidPen Housing

Hope to see you there!

Terry

Terry Nagel

Chair, Sustainable San Mateo County
| 650-678-7082

FOR IMMEDIATE RELEASE

Contact: Terry Nagel, 650-678-7082 or
Christine Kohl-Zaugg, christine@sustainablesanmateo.org, 650-918-1992

2021 Indicators Report Focuses on Solutions to the Housing Crisis

Sustainable San Mateo County's 25th annual [Indicators Report](#) will be unveiled **October 19** at a free online gathering featuring experts describing root causes of the current housing crisis in San Mateo County and ways to alleviate it.

Each year, Sustainable San Mateo County's Indicators Report does in-depth research on one aspect of sustainability performance in the county. This year's report on Equitable Housing includes comprehensive data, the historical context, driving forces, an analysis of the impact of climate change on housing, case studies and recommended solutions and policy initiatives for San Mateo County.

The [Indicators Report Launch](#) from noon to 1 p.m. on Zoom will feature three experts working on creating just and equitable housing for everyone: Rick Bonilla, Deputy Mayor, San Mateo; Diana Reddy, Council Member, Redwood City; and Matt Franklin, Chief Executive, [MidPen Housing](#).

The event will take place on Zoom and is free of charge, but attendees are required to register in advance at: tinyurl.com/IR2021Launch. For more information, visit <https://sustainablesanmateo.org>.

2021 INDICATORS REPORT LAUNCH

Equitable Housing

October 19, 2021

Noon - 1:00 p.m.

More info & registration:
<https://tinyurl.com/IR2021Launch>



**Sustainable
San Mateo County**
Economy. Equity. Environment.

