

SB 9 and Home Hardening Ordinances FAQ

Please find below

- FAQs on the SB 9 and Home Hardening Ordinances passed by urgency vote at the December 8, 2021, Town Council meeting
 - Answers to Questions about Community Discussions, the Town of Woodside and the Woodside Fire Protection District
 - Ways you can learn more
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1. SB 9 Code Update FAQ

Why did the Town update its code in response to SB 9?

Earlier this year, the Governor signed SB 9 into law. SB 9 allows the following:

1. Lot Splits - The first component of the SB 9 legislation requires qualifying lot splits to be approved ministerially¹ pursuant to a parcel map, upon meeting a number of criteria²
2. Review of two unit developments - In addition to requiring residential lot splits, SB 9 also requires housing development projects containing no more than two dwelling units on a single-family zoned parcel to be permitted on a ministerial (staff-level) basis, upon satisfaction of a number of qualifying criteria similar to the criteria for a lot split
3. Objective zoning, subdivision, and design review standards may be imposed provided such objective standards do not preclude the construction of either of the two units being 800 square feet in floor area (amongst other provisions).

On October 13, 2021, the Town Council conducted a meeting to discuss the potential impact to the Town of this legislation, to receive resident feedback, and to discuss the need for adopting an urgency ordinance. Given the high land values and the development constraints in Portola Valley, the Council did not expect many SB 9 lot split projects to occur, at least in the short term. The Council expressed concern around fire safety and that SB 9's requirement that one and two-unit residential projects must switch to an objective ministerial review, rather than the Town's traditional discretionary design review, would have an impact. The Council also directed staff to draft the urgency ordinance to maximize wildfire safety elements. To address this issue the Town Council appointed a sub-committee consisting of the Mayor and Vice Mayor to work with staff to draft an urgency ordinance that preserves discretionary review of new, large single-family homes and implements SB9 in a way that that preserves as much local control as possible.

Why did the Town update its code as an urgency ordinance?

As SB 9 takes effect on January 1, the Council wished to have in place an enacting ordinance.

What does the ordinance do?

As adopted, the ordinance:

¹ Without discretionary review by a body such as a planning commission or design review commission.

² Please [review](#) the staff report from the December 8 meeting for specifics, page 902

- Prohibits lot splits and SB 9 residential units in areas on or near earthquake faults or unstable soil consistent with the Town’s existing policies for geologic safety
- Prohibits lot splits and SB 9 residential units on parcels smaller than one acre whose direct vehicular access is from a road or cul-de-sac, which (1) has a single point of ingress/egress and (2) has a width of less than eighteen feet.
- Allows for the use of the ministerial process only for
 - 850 square feet for up to one bedroom and 1000 square feet for more than one bedroom for SB9 units that do not comply with established Town setbacks (and elect to use the setback allowed by State law)
 - 1200 square feet on parcels smaller than 3.5 acres and 1500 square feet on resulting parcels greater than 3.5 acres for SB 9 units complying with local setbacks

If the applicant desires to exceed these floor area limits, they would be required to go through the Town’s regular ASCC design review process. Any further square footage would also be subject to the Adjusted Maximum Floor Area (AMFA) applicable to the specific parcel.

If the unit does not comply with existing local setbacks, applicants must comply with the [Fire Safety Checklist](#)³ that governs construction methods and materials, defensible space and vegetation management. They must also comply with the following additional restrictions:

- On sides of the structure within the required setback(s), there may be no exterior lighting, no egress windows or doors, and no portion of the windows and/or skylights shall be above 9’ in height
- Windows in required setbacks must consist of obscured glass to promote privacy between neighbors
- SB 9 unit may not have a second driveway
- SB 9 unit may not have any associated improvements/amenities such as a patio, deck, pool, fire pit, trellis, or sauna
- No basement shall be permitted
- Fire safe landscape screening must be planted and maintained to minimize the visual impact to the neighbors.

[You can view the PowerPoint from staff on SB 9 here.](#)

How will this update affect me?

This ordinance will affect any resident considering a lot split or the development of an additional unit under SB 9. All SB 9 lot splits and new residential units that comply with the standards in the ordinance must be approved without discretionary approval (such as ASCC or Planning Commission) under State law. The Town will notify all owners within a 300-foot radius that an application has been received. However, there will not be an opportunity for neighbors to provide feedback since the review is limited by State law.

The Department is also preparing materials for the implementation of the SB 9 code update, and those materials will be on the Department’s [website](#) in the coming days.

³ As developed in conjunction with the Woodside Fire Protection District earlier this year to guide certain ADU production in Portola Valley.

Should we expect many SB 9 units?

The primary study of how many SB 9 units may be created under the law was [published](#) by the Turner Center for Housing Innovation at UC Berkeley.

2. Home Hardening Code Update FAQ

Why did the Town update its Building Code to include Home Hardening?

In mid-2019, the Town Council created a new committee – the [Wildfire Preparedness Committee](#). The Committee advises the Council on ways to reduce wildfire danger, and increase resident resiliency in a wildfire emergency.

In December 2019, the Committee provided to the Council its first set of [recommendations](#). Due to the COVID pandemic and changes to the consulting firm tasked with writing the Building Code amendments, the Council did not adopt the recommendations in ordinance form until December 2021.

Why did the Town update the code as an urgency ordinance?

The code update was presented to the Town Council as an urgency ordinance to provide immediate changes to the Building Code that would run concurrently with the SB 9 urgency ordinance. Normally, major ordinance changes require two council meetings and a set period of time between adoption and enactment.

Who was involved in preparing this update?

In addition to the direction of the Committee, staff worked closely with the Woodside Fire Protection District (WFPD) and its partners.

What does the ordinance do?

This update provides for home wildfire resiliency well beyond current standards in wildfire-affected communities, including those required through state law.

The home hardening ordinance:

- Prohibits of wood shake and shingle roofs, even if they are treated
- Clarification and elimination of combustible exterior wall coverings. Wood, shingle, and wood siding would not be allowed
- Elimination of the option of using 1/16” mesh openings in lieu of more effective, listed, ember-resistant vents for attics and underfloor spaces
- Addition of requirements to protect the underside of deck structures with noncombustible exterior enclosures when the deck is 4 feet tall and lower
- Addition of requirements for decking material (walking surface) to be non-combustible
- Requirements for non-combustible fences, gates within 10 feet of the home, noncombustible gazebos and similar structures within 50 feet of a home, and trellises over 120 square feet in area

[You can view the PowerPoint from staff on home hardening here.](#)

Will there be future updates to the home hardening code?

Yes. Academic research into what should be considered for future home hardening ordinances (as well as the Town's ongoing Safety Element update) is well underway by both the Woodside Fire Protection District and the Town.

Woodside Fire is working with [CPAW](#) on a number of wildfire adaptation initiatives, and the Town is working with and consulting experts in the field ([Insurance Institute for Business & Home Safety](#), [Wildfire Planning International](#), [Zeke Lunder](#), the authors of the [Camp Fire study](#), and others) in advance of additional updates that will likely be made during the next overall Building Code update, scheduled for the fall of 2022.⁴

How will this update affect me?

The home hardening code applies to all new construction and major remodels; if you are considering any significant work on your home, please [contact](#) the Planning and Building Department for more information.

The Department is also preparing materials for the implementation of the Home Hardening code update, and those materials will be on the Department's [website](#) in the coming days.

Where can I learn more about wildfire adaptation work in Portola Valley?

You can review the "Recommendations and Materials" section of the Wildfire Preparedness Committee's [page](#), as well as the Wildfire Preparedness [page](#) under the "Community" banner.

If I'd like to read more about the ordinance, where should I look?

The December 8 Council agenda packet is [here](#); the item starts on page 953.

3. "Did I hear that right?" Questions and Comments You May Have Heard in the Community on the Home Hardening and SB 9 Ordinances

Why did the Town not include additional provisions, such as a 30-foot building separation?

The Town works very closely with the Woodside Fire Protection District (WFPD) on wildfire adaptation and resiliency matters. At the Wildfire Preparedness Committee meetings of November 2 and December 7, as well as the Town Council meeting of December 8, the WFPD was asked whether such a provision should be included/considered at this time. The WFPD responded (Fire Marshal Bullard's response can be seen [here](#)) by sharing his continued work with a variety of experts who are advising a comprehensive update to the Fire Code (see question below). Fire Marshal Bullard did not advise either the Committee or the Council to include such a recommendation in the urgency ordinances.

What is the Fire Code and when will it be updated?

The Fire Code is a separate code section that is developed and enforced by the WFPD that contains items related to fire prevention and safety. Like the Building Code, the Fire Code is updated every three years (with adoption by the independent Woodside Fire Protection District Board of Directors) at the end of this year. Fire Marshal Bullard is working with experts and

⁴ The Building Code is updated on a three-year cycle, with the last update being in December 2019.

trusted partners on the development of that Fire Code update for ultimate ratification by the Town Council by the end of 2022.

I heard that the Town was keeping the WFPD from enacting important wildfire resiliency rules.

That is incorrect. The Town and the District work very closely together on these (and other) matters. Please review this [letter](#) between the Town and the District that outlines their work and the process for updating the Fire Code and [statements](#) from Fire Chief Lindner at the December 8 Council meeting.

I saw that there was a petition that outlined a number of items that the WFPD needs to further wildfire adaptation work. Why has the Town not supported those efforts?

The WFPD did not ask for the items in the petition and has publicly stated that is it not currently seeking them.

I heard that the Town of Woodside took a different approach than the Town of Portola Valley. Why?

The two cities have taken different approaches to land use regulations in fire-prone areas. Portola Valley had already restricted additional development in fire-prone areas with narrow streets and limited evacuation access. (While Portola Valley [did not ultimately adopt](#) the Very High Fire Severity Zone [map](#) when recommended by CalFire in 2007, the ADU land use restrictions developed with the assistance of WFPD largely encompass the same area.)⁵ Portola Valley had also adopted a “Fire Safety Checklist” for additional development not complying with local setbacks (i.e. ADUs) town-wide. Since Portola Valley already had a comprehensive and targeted suite of fire mitigations in place, WFPD recommended carrying those forward to SB 9 units.

On the other hand, the Town of Woodside had adopted the Very High Fire Severity Zone map that covers most of the foothill properties. Most of the Very High fire areas were also adjacent to open space and had restricted emergency access. WFPD determined the areas designated as “Very High” posed the greatest threat and recommended that Woodside restrict development in those areas.

Should you have questions about WFPD decisions, Fire Code update status reports, or other wildfire adaption work as overseen and managed by the District, please contact their [Board of Directors](#) or [staff](#).

Does WFPD support both approaches?

Yes, WFPD supports both Portola Valley and Woodside’s ordinances. Even though they take different approaches, both ordinances restrict additional development in areas identified as posing the highest fire risk due to restricted emergency access or adjacency to open space.

⁵ The approval of a Very High Fire Severity Zone map required the adoption of [Chapter 7A](#) of the Building Code (which governs the construction of buildings in wildfire-prone areas of the state) in that particular severity zone. In lieu of approval of the map, Chapter 7A was adopted in 2008 town-wide. On December 8, 2021, the Town Council adopted a comprehensive [home hardening ordinance](#) that goes beyond Chapter 7A.

Does Woodside’s ordinance only restrict SB9 units in “Very High Fire Severity zones” or in both very high and high?

The Town of Woodside does not have any adopted “high” fire severity zones and their ordinance only applies to “very high fire severity zones.”

4. How Can You Learn More

1. Reach out to the [Town Council](#) and [staff](#)
2. Attend Town Council, Commission, and Committee meetings – you can subscribe to agendas and topics [here](#)
3. [Subscribe](#) to Town Council [meeting summaries](#) and Weekly [Town Updates](#)
4. Learn more about Town Wildfire efforts on the Wildfire Preparedness [page](#) and Wildfire Preparedness Committee [page](#) under “Recommendations and Materials”
5. Be on the lookout for meetings with the Mayor (which we are calling “PV Donuts) in your neighborhood through neighborhood watch groups and other settings
6. Attend Woodside Fire Protection District Board [meetings](#), where discussions of a new Fire Code to be ratified by the Town will originate