



TOWN OF PORTOLA VALLEY

4:30 PM – Ad Hoc Housing Element Committee Meeting
Monday, April 18, 2022

**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/87978213578?pwd=dXJ0ZDF0ZWRGRUNCanJDamlvN3BwUT09>

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

Meeting ID: 879 7821 3578 **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	Al Sill - ASCC Representative and Vice-Chair
Aimee Armsby	Jocelyn Swisher - Chair
Sarah Dorahy	Nicholas Targ - Planning Commission Representative
Erik Doyle	Bob Turcott
William Kelly	Janey Ward
Anne Kopf-Sill - Planning Commission Representative	Sarah Wernikoff - Town Council Subcommittee
Andrew Pierce - Race and Equity Committee Representative	Helen Wolter

Staff Contacts:

Laura Russell - Planning & Building Director
Dylan Parker – Assistant 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. Affirmatively Furthering Fair Housing (AFFH) Policies and Programs (20 minutes)
2. Housing Sites Inventory Update and Discussion (2 hours 45 minutes)
 - a. New work product generated by staff and consultants since 2/28 meeting in response to Committee feedback
 - i. Maps and Analysis
 - ii. April 19th ADU Focus Group and April 21st Opt In Meeting

STAFF UPDATE

1. Staff to provide updates to Committee (5 Minutes)
 - a. Upcoming Meetings: Monday, May 2nd at 4:30 pm and Tuesday, May 24th at 4:30 pm

APPROVAL OF MINUTES

1. Minutes of February 22 and February 28, 2022 meetings

ADJOURNMENT

COMMUNICATIONS DIGEST

Public comments received since the last meeting will be distributed to the Committee at the end of each agenda packet.

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).

THE AD HOC HOUSING ELEMENT COMMITTEE'S CHARGE, VALUES AND APPROACH TO DECORUM AND PUBLIC COMMENT

Committee's Charge:

1. Town Council Direction: Develop a housing element that complies with State law, plans for the Town's assigned Regional Housing Needs Allocation (RHNA) and will be certified by Housing and Community Development (HCD).
2. A Housing Element that:
 - a. Reflects town values and goals
 - b. Incorporates best possible planning for safety considerations

Committee's Values*:

1. Support diversity, equity and inclusivity
2. Family-friendly community
3. Planning for housing that's mindful of PV's rural character
4. Uphold the Town's safety considerations

**The Community Goals of the Town's General Plan form the foundation of the Committee's Values.*

Committee Decorum:

1. Listen and be curious
2. Assume positive intent
3. Respect differences
4. Maintain orderly discussion
5. Seek consensus



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Ad Hoc Housing Element Committee

FROM: Laura C. Russell, Planning & Building Director

DATE: April 18, 2022

RE: **Affirmatively Furthering Fair Housing Policies**

I. Affirmatively Furthering Fair Housing (AFFH) Background

State law requires jurisdictions to administer Housing Element programs in a manner that actively seeks to achieve fair housing. Pursuant to AFFH law, the Town has a legal obligation to take meaningful acts in addition to combating discrimination that 1) overcome patterns of segregation and 2) foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. AFFH rules go further and require jurisdictions actively work to dismantle the legacy of segregation and to create equal housing opportunities. While the Housing Element will contain a separate required section devoted to AFFH, it must also be woven into the Town's goals, policies and programs, including identification of fair housing goals and actions, demonstrating new affordable housing in opportunity areas.

III. Portola Valley Fair Housing Issues and Contributing Factors

21 Elements with Root Policy Research prepared a Fair Housing Assessment for Portola Valley. Below are fair housing issues identified for the Town and factors contributing to these issues.

Fair housing issue #1: No residents file fair housing complaints, indicating a potential lack of awareness about fair housing rights.

Contributing factors:

- Lack of access to information about fair housing rights.
- Limited knowledge of fair housing by residents.

Fair housing issue #2: The Town of Portola Valley has limited racial and ethnic diversity (18% of residents are non-White Hispanic) compared to San Mateo County (61%) and the Bay area overall, and very limited economic diversity (73% of households earn more than 100% AMI compared to 49% in the county overall).

Contributing factors:

- There is a lack of affordable housing opportunities throughout the town.
- There are no areas of the town that are zoned to allow moderate or high density residential development.

Fair housing issue #3: Hispanic and Asian households face very high rates of mortgage loan denials when trying to purchase homes in Portola Valley (50% and 25%, respectively).

Contributing factors:

- It is well documented that persons of color—particularly African American residents—were denied loans to purchase homes, were not allowed to buy in many neighborhoods because of restrictive covenants, and were harassed if they managed to purchase a home in a predominantly White neighborhood. These historical actions have led to a significant homeownership gap among racial and ethnic minorities.

III. Potential Policies

Staff and consultants reviewed best practices from other communities to develop potential policies to address the fair housing issues outlined above as. Staff requests that the Committee review the proposed list, provide any comments, and suggest any other AFFH policies.

- 1. Increase Workforce Rental Housing:** Rezone properties in Town to allow multifamily housing with a range of affordability levels and deed restrictions to ensure affordability over time. Affirmatively market the housing to households with disproportionate housing needs including Black and Hispanic households.
- 2. Regional Housing Trust Fund or Other Regional Collaboration:** Support a regional Housing Trust Fund that is funded by a diversity of jurisdictions and allocated to communities based on poverty, cost burden, and segregation. Fund could support affordable housing production, community amenities, last/first month's security deposits, downpayment assistance, etc. Pair assistance with affirmative marketing to households with disproportionate housing needs including Black and Hispanic households (e.g., Spanish and English).
- 3. Promote Affordable ADUs and JADs:** Investigate the feasibility of a program that would connect service providers that help displaced renters with ADU owners in Portola Valley that want to rent to low-income renters.

Develop assistance programs for JADUs to make alterations easier and more cost effective so that additional units can be developed within the existing building envelope of houses and made available at more affordable rates.

- 4. Rental Assistance Program:** Engage through the Race and Equity Committee to convene a discussion with BIPOC populations who are experiencing comparatively high rates of cost burden to discuss solutions for relief and consider a rental assistance program tailored to extremely high cost burdened residents.

5. **Promote Fair Housing Information:** Update the Town's housing webpage to include fair housing including resources for residents who feel they have experienced discrimination, information about filing fair housing complaints with HCD or HUD, and information about protected classes under the Fair Housing Act.
6. **Fair Housing Training:** Race and Equity Committee partner with Project Sentinel, or another affordable housing organization, to perform fair housing training for property owners, real estate agents, and tenants across the region. Focus enforcement efforts on race based discrimination and reasonable accommodations.



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Ad Hoc Housing Element Committee

FROM: Laura C. Russell, Planning & Building Director

DATE: April 18, 2022

RE: **Building the Housing Sites Inventory – Next Step**

I. Background

The Ad Hoc Housing Element Committee first began discussing the Housing Sites Inventory at its October 18, 2021. The agenda, minutes and Zoom recording are available on the [Town's website](#). On the same webpage, under Supplemental Resources/October 18th meeting, interested parties can view the staff presentation from the meeting and a summary of the preliminary site scenarios.

At its January 18, 2021 meeting the Committee received presentations and dedicated discussion to planning for housing sites in consideration of the Town's fire and safety risks. The Committee received a presentation from Don Bullard, Fire Marshal with the Woodside Fire Protection District (WFPD). The Fire Marshal's presentation covered methods of creating fire-adapted communities and an update on the WFPD's Fire Code update. The Committee also received a live GIS mapping presentation from Zeke Lunder, Pyrogeographer with Deer Creek Resources. Zeke presented his preliminary assessment of the Town's geographical and vegetation patterns in relation to fire risk.

On February 22, 2022, the Committee continued its discussion of the Sites Inventory in more detail. The staff report with maps is available online with the meeting [agenda](#). The meeting recording can be viewed [here](#). The meeting is several hours long, so the summary below includes time stamps to assist in viewing.

- The meeting opened with public comment (4:18). The Committee then received a presentation from [Woodside Fire Protection District](#) Fire Chief Rob Lindner and Fire Marshall Don Bullard on a comprehensive hazard and risk assessment of the fire district that will designate fire severity zones throughout the district (7:45). Committee and community questions and comments followed.
- Staff provided a [presentation](#) on the Housing Sites Inventory and shared the process for Committee's site recommendations, summarized the discussion and key takeaways from the October 18 meeting, presented updated land use

constraints maps and a draft projection of the Regional Housing Needs Allocation (RHNA) by income category. The Committee then held a focused discussion on what sites to consider including in the inventory. The presentation starts at 33:24. Public comment taken at 2:05:24.

At its February 28, 2022 meeting, the Ad Hoc Housing Element Committee held its third housing sites discussion for the purpose of recommending sites to the draft Housing Element's Housing Sites Inventory. The meeting was extremely well-attended, with over 160 members of the public joining the virtual meeting. The Committee received many public comments in response to the site scenarios it had been studying and Committee discussion culminated in the feedback shown in Section II, Table 1 below. Based on the feedback of the Committee and public comments, staff and consultants reviewed the work plan, budget, and schedule to evaluate what approach would be necessary to complete the Housing Element Update.

On March 21, 2022, the Ad Hoc Housing Element Committee provided preliminary feedback on existing policies and programs in the current Housing Element (RHNA 5 cycle), as well as new policies and programs for the draft Housing Element (RHNA 6 cycle).

On March 23, 2022, the Town Council discussed the Housing Element Update process and received options from staff about how to move forward and what resources could be used. Residents that are new to the process are encouraged to read that staff report available [in the agenda packet](#) for an overview. The Council provided feedback on the timing of the process, emphasizing that completing the Housing Element and associated documents on time is a priority. Council also authorized additional resources; staff has been actively pursuing additional consultant contracts to directly and indirectly increase staff time on this effort to meet the requests of the Committee and the public.

II. The Ad Hoc Housing Element Committee's Housing Sites Part IV Discussion

Table 1 below provides a progress update related to each of the eight feedback items discussed at the February 28, 2022 meeting:

Table 1: Housing Sites Analysis Update

1. Explore new housing sites including further analysis of the Glen Oaks Stanford parcel, the El Mirador parcel behind Town Hall and the Neely property on Portola Road	Attachment 1 includes maps with the estimated amount of developable land available after mapping creek and scenic corridor setbacks and/or hazards constraints for each of the new housing sites: <ul style="list-style-type: none">• Glen Oaks Stanford - 4.4 acres• El Mirador – 13.2 acres• Neely property – 25 acres
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<p>2. Further study the potential for mixed use in the Town’s C-C and A-P zones while preserving local-serving businesses</p>	<p>Development potential is expected to be limited. Analysis is underway and will be presented at the May 2, 2022 meeting.</p>
<p>3. Further study the development potential of the two vacant parcels on Alpine Road as sources of multi-family housing</p>	<p>Staff/consultants are analyzing development potential of three parcels: parking lot behind Robert’s, vacant parcel next to Robert’s, and 4370 Alpine at corner of Alpine and Nathorst. Staff will report back at the May 2, 2022 meeting.</p>
<p>4. Explore an “opt-in” approach where property owners could volunteer for upzoning</p>	<p>Mailers were sent to Portola Valley property owners with parcels 1 acre or larger to identify volunteers interested in upzoning their property.¹ A Property Upzone discussion is scheduled for interested property owners for April 21, 2022 at 4pm.</p>
<p>5. Investigate dispersing housing sites throughout the community via an overlay zone allowing for up to six dwelling units/acre, with the understanding that such units would be market rate with the potential for a small number of affordable units</p>	<p>The Mailer included the option for interested property owners to upzone their property to up to six dwelling units/acre.</p>
<p>6. Revisit the list of Town-owned property to see if there is development potential</p>	<p>Attachment 2 includes a Composite Map of Town-owned properties overlaid with hazards constraints to identify viable properties. Through this mapping exercise, Ford Field was identified as a feasible site with approximately 1.1 acre of developable land (see Attachment 3). Development potential analysis is underway and will be presented at the May 2, 2022 meeting.</p>
<p>7. Consider using the Town’s affordable housing fund to provide incentives for affordable housing (such as multifamily or ADUs)</p>	<p>No additional materials have been prepared. The Committee may wish to continue discussing how funds may support different options.</p>

¹ Parcels in the Very High Fire Hazard Severity Zone and with only one-way of ingress and egress were excluded from this mailer.

8. Revisit ADU process to see if additional streamlining is possible	An ADU Focus Group discussion for property owners is scheduled for April 19, 2022 at 4pm to explore additional streamlining options.
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Accessory Dwelling Units as a Source of Units to Meet RHNA

At its November 15, 2021 meeting, the Committee discussed Accessory Dwelling Units (ADUs) units in detail and their role in meeting the overall RHNA numbers. (Staff report, zoom recording, and power point presentation are available on the Committee’s webpage with presentations under “Supplemental Resources.”) Two allocation formulas were presented for how the number of ADUs could be spread across the income categories. At that time, the Committee expressed concerns about whether ADUs really supply affordable housing and there was consensus that the Town should not rely too heavily on ADUs to meet its affordable housing numbers. As a result, staff applied the more conservative allocation, with ADUs concentrated more in the higher income categories, and used that calculation from November through March.

At the recent Committee meetings, there was renewed discussion about ADUs and how much they can contribute to the total. As a result of that discussion, staff updated the unit total table to include the standard ADU allocation that other cities/towns in the County are using, for the Committee’s consideration. At this time, staff expects that this ratio will be acceptable to Housing and Community Development (HCD), the agency that must certify the Housing Element. However, it is possible that HCD will not accept it and the Town would need to revise it later in the process and find other approaches to provide the affordable housing units.

Please note that this table represents the best information available at this time and is expected to change as additional information becomes available:

Table 2: RHNA Allocation and Draft Projections

	Very Low Units	Low Units	Mod Units	Above Mod Units	Total Units
RHNA	73	42	39	99	253
RHNA with 20% zoning target	88	50	47	119	304
Type	Very Low Units	Low Units	Mod Units	Above Mod Units	Total Units
Pipeline Projects	0	19	6	27	52
ADUs	24	24	24	8	80
Affiliated Housing Sites	5	5	12	0	22
Site Inventory	0	0	0	0	0
Total	29	48	42	35	154
Additional Housing Need	Very Low Units	Low Units	Mod Units	Above Mod Units	Total Units
Outstanding Housing Need	44	-6	-3	64	99
Outstanding Housing Need with 20% zoning target	59	2	5	84	150

This partial draft projection does not include the units from the Housing Sites Inventory since the Committee's sites recommendation is still forthcoming. The partial draft projection is instructive as it numerates the various sources of units including the approximate remaining number of units to be captured in the Housing Sites Inventory.

III. Next Steps

Staff recommends that the Committee review the new information staff is presenting about the sites inventory, the contribution of ADUs, and further discuss the preferred options to move forward. The following questions may help guide the Committee's discussion:

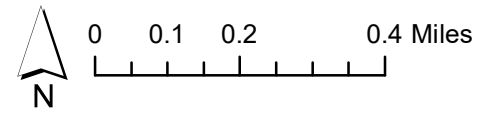
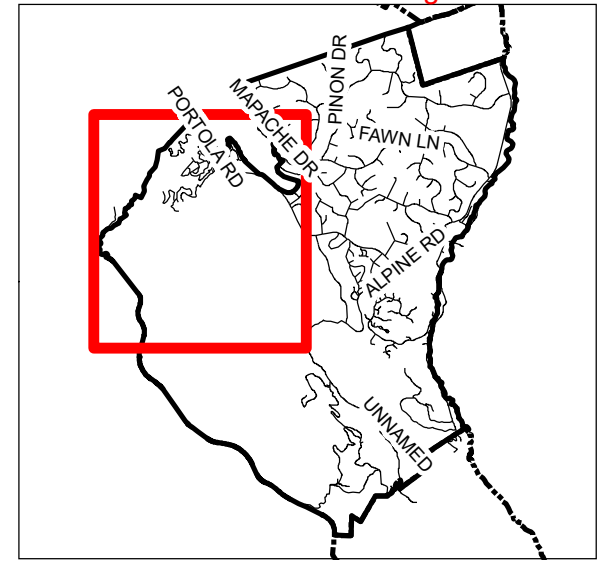
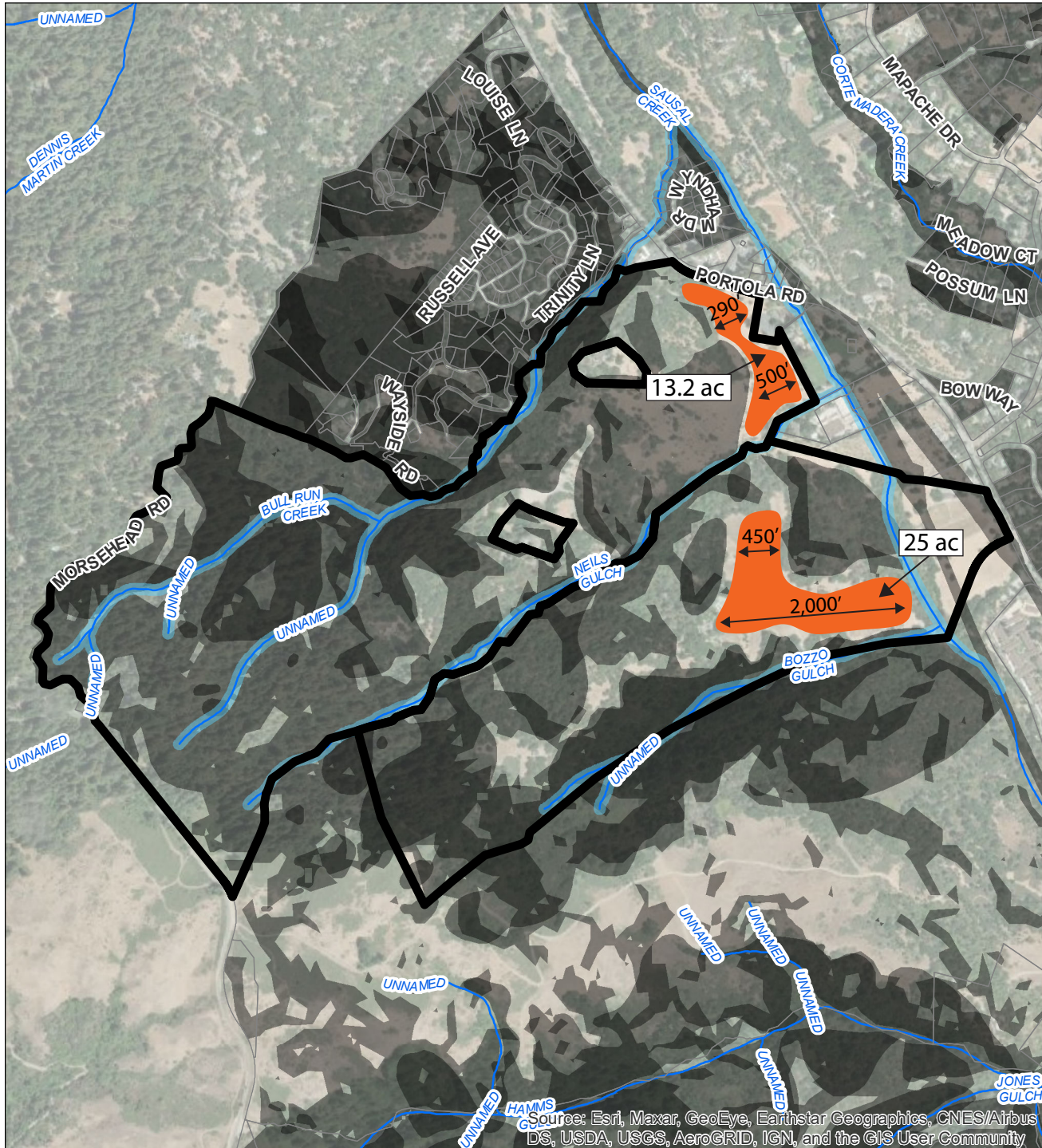
- Should ADUs be emphasized in the affordable housing strategy? Should the Town use the ADU allocation presented in Table 2 above?
- Up to this point, the Town has not analyzed sites (or portions of sites) that would replace active recreational or open space uses. For example, the soccer field at Town Center has not been analyzed for potential development. Should the staff/consultant team analyze those sites?
- What combination of sites inventory strategies should stay under consideration and which should be removed from consideration?

Upcoming meetings include the following:

- Monday, May 2 – Ad Hoc Housing Element Committee meeting to finalize the draft sites inventory
- Monday, May 9 – Community Wide Meeting at 7 pm via zoom to hear an update on the Committee's work and provide feedback
- Tuesday, May 24 – Ad Hoc Housing Element Committee meeting to review the draft Housing Element

ATTACHMENTS

1. Stanford Wedge, El Mirador, and Neely Constraints Maps
2. Town-Owned Parcels Composite Hazards Map
3. Ford Field Constraints Map

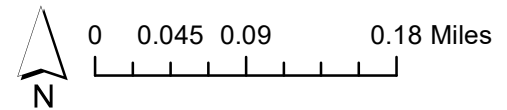
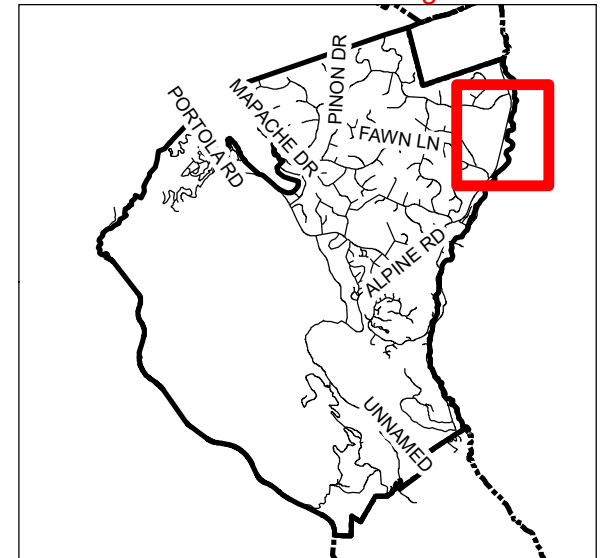


- Stream
- ~55' Stream Buffer (Section 18.59.030)*

**Buffer is measured approximately from centerline of creeks, and may be slightly larger than shown on the map*

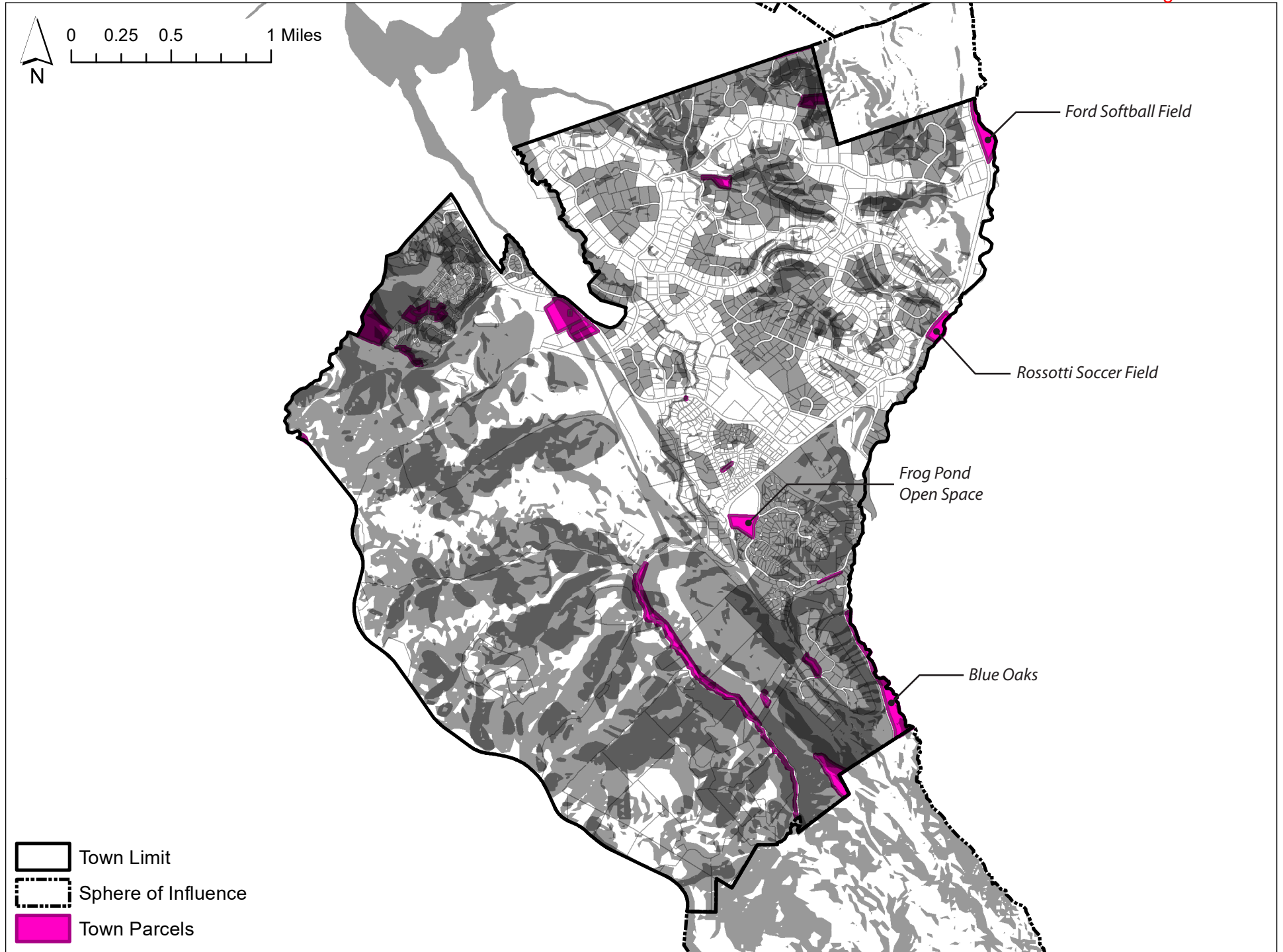


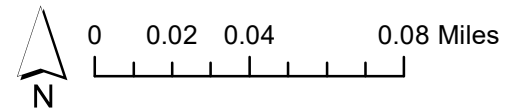
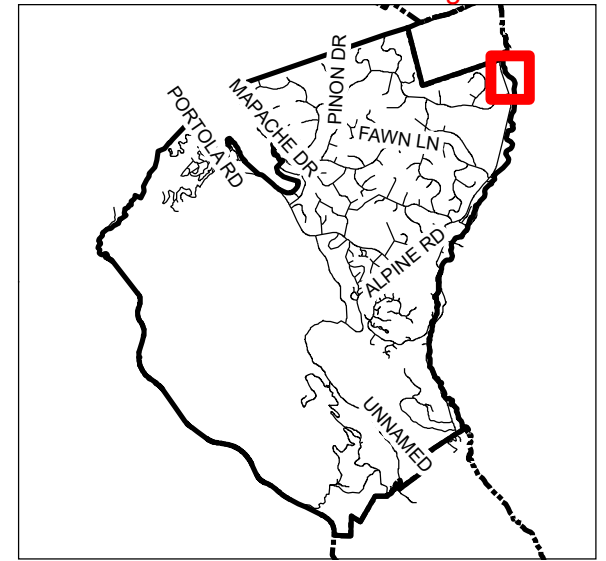
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community








- Stream
- 75' Scenic Buffer (Section 18.58.020)
- ~55' Stream Buffer (Section 18.59.030)*

*Buffer is measured approximately from centerline of creeks, and may be slightly larger than shown on the map



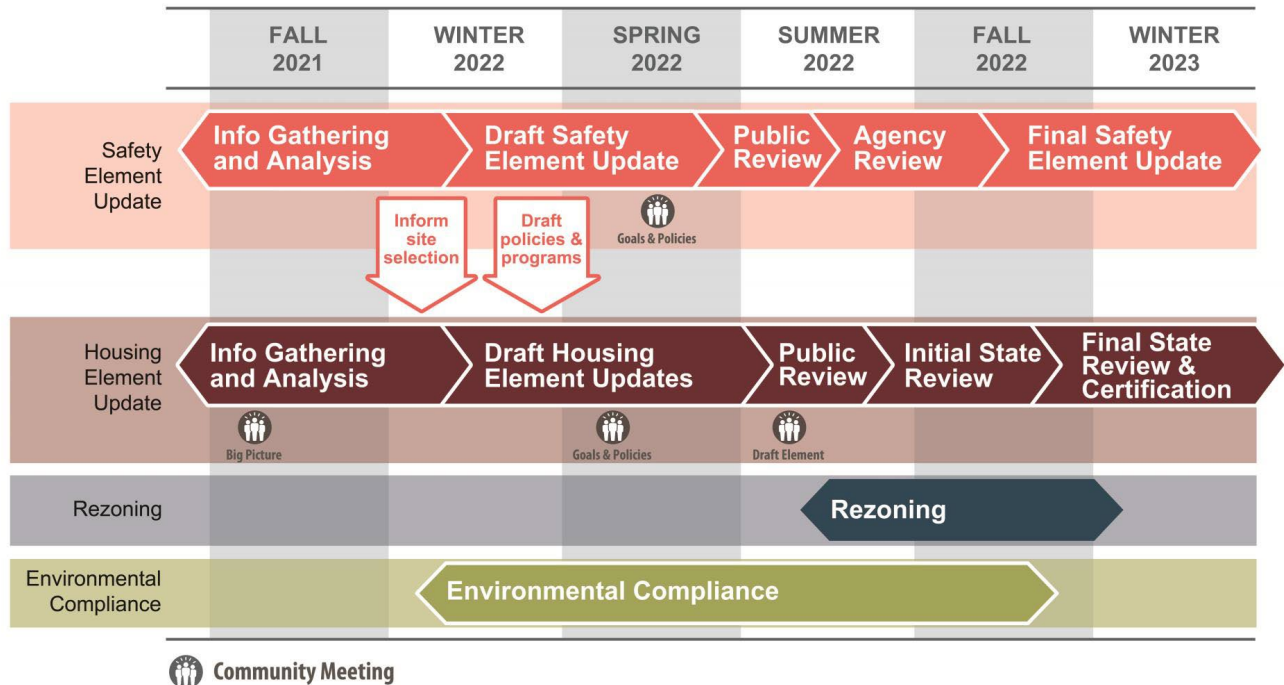


-  Parcels
-  Town Limit
-  Stream
-  75' Scenic Buffer (Section 18.58.020)
-  ~55' Stream Buffer (Section 18.59.030)*

*Buffer is measured approximately from centerline of creeks, and may be slightly larger than shown on the map

AD HOC HOUSING ELEMENT COMMITTEE TOPICS FOR CONSIDERATION

Housing Element Update Timeline:



Past Meeting Topics:

Committee Values, Decorum and Public Comment

- Committee's mission, values goals
- Committee and public comment decorum

Organization/Evaluation of Existing Housing Element

- What have we achieved? Challenges and opportunities

Portola Valley Demographic and Housing Trends

- What does the data tell us about the Town?

Housing Affordability Income Categories

- Defining affordability categories

Housing Element Law

- Housing and Community Development (HCD) Annual Reporting Requirement
- Consequences to falling short on RHNA
- Rezoning requirement

Housing Sites Inventory Pt. I

- Review possible housing site scenarios

Regional Housing Needs Zoning Target Concept

- Housing Element No Net Loss Law
- How to Plan for a Zoning Target

Accessory Dwelling Units (ADUs)

- How is affordability assigned
- Town data
- Future ADU production

Resilience and Safety

- Wildfire risk
- Geology and seismic considerations

Housing Element Interaction with other General Plan Elements

- Understanding Housing Element crossover areas

Affiliated Housing

- Discussion of current program
- Expansion or revision

Implications of SB 9

- Examine how legislative changes will interact/impact Housing Element update

Housing Sites Inventory Pt. II and III

- Review and discuss potential housing sites

Housing Element Policies and Programs

- Policies form the Housing Element framework and programs lay out how to facilitate the policies

Upcoming Meeting Topics (order to be determined):

Housing Sites Inventory (ongoing)

- Review and discussion potential housing sites leading to recommendation of sites

Affordable Housing Programs

- How to establish and maintain units as affordable
- Other ways to encourage housing opportunities

Implementing Housing Element Concepts

- Examining any necessary zoning code amendments to accommodate new housing sites

Ad Hoc Housing Element Committee Meeting **February 22, 2022**
Special Teleconference Meeting

Meeting recording: https://www.youtube.com/watch?v=OX-ipU_gcP0

For each agenda item, there is a time stamp that corresponds to the time in the meeting video.

CALL TO ORDER AND ROLL CALL (0:25sec)

Chairman Swisher called teleconference meeting to order. Planning & Building Director Russell called the roll.

Present: Committee Members: Aalfs, Armsby, Dorahy, Kelly, Kopf-Sill, Sill, Turcott, Ward, Wernikoff, Wolter, Swisher
 Absent: Crane, Doyle, Pierce, Targ
 Town Staff: Laura Russell, Planning & Building Director; Adrienne Smith, Senior Planner; Cara Silver, Town Attorney, Jeremy Dennis, Town Manager

NOTES FROM CHAIR SWISHER:

Please be sure to mute yourself if you need to step away. On another note, Sue Crane has stepped down from the committee. Many thanks to Sue for everything she has done.

ORAL COMMUNICATIONS (4min:16sec)

Oral communication received from:

- Majda Jones: When will the committee be addressing the new press release from the Woodside Fire District that will result in new maps in July of high fire hazard areas?
- Ellen Vernazza: Before determining the high-density housing, is there an evacuation plan in place?

PRESENTATION (8min:46sec)

1. **Don Bullard, District Fire Marshall: WFPD Hazard and Risk Assessment** - Fire Marshall Bullard presents a comprehensive hazard and risk assessment of the fire district as directed and authorized by the Woodside Fire Protection District Board of Directors on January 25th, 2022. Assessment results will help to designate fire severity zones throughout the district. The board also directed the fire marshal to seek its approval to adopt state regulations for the minimum fire safety standards related to defensible space that are applicable to the perimeters and access to all residential, commercial and industrial building construction within the very high fire severity zones. By next week, Fire Marshall Bullard will put out a list of who will be on that advisory board.

Committee Comments and Questions:

- Chair Swisher: Praise for press release. Question regarding new assessment work by the fire district and housing element process. Director Russell provided information on the new assessment.

Public Comments

- Pat McCrory: What is the current situation with fire insurance in Portola Valley? Fire Marshall Bullard answered this question regarding fire insurance.
- Pierce: Former insurance lawyer, explains how insurance companies handle policies in the area and recommends shopping around for policies.
- Comes: Thanks Woodside Fire Protection District. Understands the insurance companies do have their own set of maps and that's what they're basing their information on. Appreciates press release and what the Woodside Fire Protection District is trying to do to keep community safe.
- Greg: Question about the insurance that was reported. Is committee keeping a log of inbound inquiries? And if you're not, could you start? Fire Marshall Bullard addresses these questions.
- Karen: Clarifies the current state of insurance and provides information on two retail insurers, State Farm and AAA. Information is also provided regarding brokerage insurance and premium insurance.
- Adams: Asks questions regarding the safety element and the housing element and what the plan is to coordinate the two, and if the housing element will follow Fire Marshall Bullard's mapping when complete. Director Russell provides information to answer these questions.
- Baldwin: Curious if the fire department is also going to be looking at lower fire danger areas in addition to high fire danger areas. Fire Marshall Bullard fields this question.
- Chair Swisher: Question regarding scope of Zeke Lunder's mapping. Fire Marshall Bullard provides information to answer this question and how the bidding process will move forward. Director Russell makes additional comments providing further clarification.

PRESENTATION (33min:25sec)

Planning & Building Director Russell introduces a presentation by Senior Planner Adrienne Smith, noting that the presentation provides information on the full scope of work that the committee has been working toward to fulfill their obligations to comply with state laws.

1. **Housing Sites Inventory Part II** – Presentation provided by Senior Planner, Adrienne Smith regarding the current program, partners, and next steps. Senior Planner Smith introduces town housing element consultants from Urban Planning Partners, Curtis Banks and Carla Violet, and Housing Element and Safety Element Consultant Zeke Lunder. Key topics include building the inventory work plan, a recap of the housing sites discussion, affordable housing sites and default density, and a mapping exercise.

Committee Comments and Questions:

- Armsby: Question for Zeke Lunder regarding what the mitigating factors might be that would allow for development on a slope of 20 degrees. Zeke Lunder provides maps and information to answer this question.
- Vice Chair Sill: Question related to the process of scenario B and scenario C and if these are mutually exclusive and the various possibilities as the discussion of site selection begins. Director Russell provides information to answer this question.

- Kopf-Sill: Questions regarding how the scenario choice(s) might fill out the chart. Also asks for clarification on what 20 and 30 units per acre will look like. Director Russell provides information to answer these questions. Kopf-Sill further comments to note the evacuation route map and the gates used for driving routes and that these gates should be further evaluated. Director Russell provides information on steps for this process.
- Pierce: Question regarding automatic qualification for affordable vs. minimum standard and that relation to affordability. Urban Planning Partner Curtis Banks fields this question. Pierce also asks question regarding slopes and building on hills. Zeke Lunder provides information to answer.
- Wolter: Question regarding the mapping meeting and furthering the fair housing goals of HCD and affordable housing throughout the community. Further expresses concern about the distance, proximity, and access to schools, and risk management when dealing with the flood maps. Questions whether mapping for access to public funding for the affordable housing developers was done. Director Russell provides information to answer these questions.
- Wernikoff: Requesting clarification on remarks that made by Planning Partner Banks regarding the projections by housing type. Planning Partner Banks answers this question. Wernikoff also poses a question regarding the mapping scenarios and relation to zones across scenario A and B and asks for clarification. Planning & Building Director Russell provides information to answer this question. Wernikoff also requests an additional look at places beyond these areas using a constraints overlay. Director Russell replies to this request.
- Targ: Question regarding challenges in identifying the range of sites that would qualify under the criteria identified and the constraints, and if there is a geocoded mapping system that would be available to develop a range of maps. Would like to understand the level of effort and whether there is analysis that can be done in real time. Director Russell responds.
- Chair Swisher: Question to Urban Planning Partner Carla Violet on whether real time planning with the committee is possible. Violet and Russell provide information.
- Targ: Question on how the three areas that were reviewed identified and the criteria used. Director Russell discussed 21 elements, professional planning experience, values of the community, and best practices. Targ notes that photos would be helpful to gain a deeper vision. Director Russell notes that staff will work to try to bring some illustrations or pictures back.
- Turcott: Would like a definition of R3 zoning noted in the material. Director Russell states this means zoning that is slightly more dense than single family; using as a planning term to reference a medium to medium low density housing product. Turcott notes this doesn't currently exist legally in Portola Valley. Director Russell confirms it would have to be created as part of this process. Turcott also notes that he is unable to locate thrust faults associated with the San Andreas fault on the map. Director Russell states that the map includes the main parts of the fault and the fault setbacks. Once site inventory is more clearly defined, the town geologist would be further advising.
- Turcott: Notes that he would like transparency of the market feasibility analysis and financial practicality of the developments going forward and asks if this is something that the town will have access to in this process. Director Russell explains the model and the scenarios used to create the market feasibility analysis. HCD has noted this model as sufficient.

- Turcott: Question regarding if a cluster of town townhouses would be economically feasible along Portola road or Alpine road. Director Russell notes that assumption is accurate for the purpose of this committee and provides details to further answer.
- Turcott: Question for Zeke Lunder regarding characterization of cursory survey and wondering if he were given unlimited time and unlimited budget, what Lunder would do in terms of importance. Lunder notes that work that the district is looking into doing is a good step and having detailed fuels data is important as far as prioritizing areas for treatments for the purpose of this effort.
- Turcott: Expressed concerns regarding hazard and risk assessments and notes that analysis has been focused mostly on hazard. What is the likelihood of a development placed in a given location being subjected to wildfire? Lunder notes that activities being undertaken for hazard mitigation are also risk mitigation and provides further clarification. Turcott feels that the risk dimension looks slightly unaddressed. Turcott shares a map displaying fuel and the structural fuel; asks Lunder if the evacuation capacity and community impact should be analyzed and should we favor the Portola Road side over the Alpine Road side. Lunder notes all main roads in and out of town should be opened up, and that he would not prioritize one over the other.
- Turcott: Clarifies that he is not referring to vegetation clearance but citing new development. Wondering if given that concentration, is the town better off avoiding more development on Alpine and favoring placing it on Portola. Lunder replies no.
- Swisher: Question regarding whether the town is undertaking an evacuation study and if there is an update.
- Town Manager Dennis: The town is conducting an evacuation study which began in the September/October timeframe with the latest information from Sequoias, and Windmill and a few other locations. We're hoping for product to come out in the April timeframe. The level of detail that we're talking about here would likely come from a further study. The purpose of this study was to do three things: meet statutory requirements under state law, determine the length of time under different scenarios, and looking at any potential improvements we can make in the infrastructure.
- Swisher: Asks for confirmation that an April timeframe is when to expect information that will be reviewable as committee considers sites for recommendation.
- Town Manager Dennis: Answers yes but is not sure it will have value to the committee in the way it is currently being discussed, as it is not site specific. He is currently working with a consultant and a subcommittee of members of the wildfire preparedness committee that are looking at this as well. Findings will be a public document.
- Director Russell: A big part of evacuation plan right now is this first step that has already been taken, which is identifying the sites that only have one way in or out. That map is already in the constraints map which is important for the site's inventory discussion.
- Chair Swisher: Follow up on question to Turcott's question about building at the bottom of a slope and if that building with modern building codes and materials could be a dangerous project to introduce to the town.

- Zeke: Provides information regarding hazard mitigation and agrees with Turcott's points regarding risk mitigation. Also discusses the correlation between population density and fire rates.
- Wolter: Have we received any SB9 applications?
- Russell: No.
- Chair Swisher: Question on the breakout of the units for the 84 above moderate units and if these will be homes that are built in the normal course of business in Portola Valley or if those sites need to be chosen. Director Russell provides information to answer.

Public Comments

- Karen Aksey: Question if Portola Valley has any current housing element sites that can be reused or sites that have not been developed that could be put into the plan, specifically the Willow Commons project. Also, do we absolutely have to be building to that 20% buffer
- Nan Shostak: Member of the geologic safety committee, expressing concern about the geologic mapping and the geologic hazards which are not being taken into consideration. Particularly concerned about the Monta Vista fault that runs across Alpine Road. Another major concern is regarding the lots between the Ladera boundary and Westridge Drive due to backs of the lots having steep slopes which pose issues in terms of liquefaction and landslides.
- Judith Murphy: Encouraging town not to spend a lot of time choosing between scenario B and C, rather looking at scenario B plus C to help spread things out and avoid creating certain types of neighborhoods or lowering desirability. Also expressing concern that multifamily is a very big category and that there is a large difference between a triplex and an apartment building. And the conversations need to get more precise as we move along so that we don't end up generating opposition that we wouldn't otherwise have. People think they're going to get an apartment house next door, when in fact, they're going to get a triplex or quad Plex next door. Wants to also keep the discussion open regarding development along the main corridors, which are the scenic corridors, and being careful that as we handle density there it is done in a way that doesn't harm the aesthetic of the town.
- Karen Vahtra: We need to be very careful and specific on a lot-by-lot basis regarding steep slopes which can pose a hazard with geographical features such as canyons and ravines of significant length, and the hazard is exaggerated when the property owner chooses not to maintain their vegetation. The initial cost to clear the land is not inexpensive but affordable to most Portola Valley homeowners. The cost is because the crew needs to climb up and carry all that material to dispose the vegetation. But the subsequent maintenance is quite reasonable. Further comments regarding fire hydrant placement and annual vegetation inspections.
- Jones: Question if people with larger homes who might put an apartment in the footprint of their home? Are these types of additional housing units being considered in the planning?
- Bob Coffman: Following up on a theme that was raised by several of the committee members regarding selection of the sites and the boundaries of those sites. Appears that the selection was relatively limited and arbitrary living near a couple of those sites. Finds it difficult to understand why adjacent properties are not included, why some adjacent properties are marked as having only one side of access or marked having two. Encourages the committee to

try to go back and ask staff, and particularly the consultants, to take a broader and perhaps more creative look to identifying both the boundaries of the existing sites, which are reasonably logical particularly along the Portola Valley corridor.

- Rita Comes: Interested in the results of the survey. Expresses disappointment that those results are not being discussed as part of this conversation. Very interested in the March meeting that has been talked about a few times with the community but there isn't a date on the calendar yet. Also expresses concern regarding traffic patterns in her area if Stanford project moves forward with extra ad use.
- Meg: Expressing disappointment at suggestion of community writing in comments, cutting people off, preventing commenters from screensharing. Feels this needs to be a community endeavor and this process should be taking a lot more time, and the process happening is deeply undemocratic in a small community. Chair Swisher responds that comments are not being silenced but being given an alternate to having to speak at the meeting and still having their comments read and considered.
- Bob Adams: Comments on evacuation plan and notes that the evacuation plan needs to include getting children out of school in an organized way to include parent pick-up.
- Kristy Corley: Would like to give her two minutes to Karen Aksey to finish her talk. Expresses concern with the time of the evacuation drill. Would like to see more in the middle of the day when the kids are available rather than 6am or 7am before the kids get there. Chair Swisher notes that Aksey confirms that she completed her comments.
- MJ Lee: Praise for town staff. Questions whether the east side of Alpine Road had been ruled out as a scenario. Feels it would be a great area for multifamily housing. Director Russell confirmed location Lee refers to and confirms information.
- Greg: Asking for a clinical clarification in specifying exactly the lots being considered for scenario B and C. Chair Swisher acknowledges they will do this during this meeting.
- Valerie Baldwin: Questions about how the maps were created and items that seem to be missing on the maps. When she moved here, her property was flooded because of El Nino, nothing on any maps appear to show that there was any reason for her home to be flooded. She discovered that there was a creek running right through her property and the flooding was from the remnants of the water trying to get somewhere. Why doesn't that show up on the map? Also questions the absence of fault lines on the map. Questioning who put these maps together and if they're accurate. Director Russell provides information on drainage and how new projects are engineered regarding storm water and investigations on those sites. In terms of faults, many areas may not be confirmed as faults. The geological engineer will oversee determining those faults and physical constraints. Smaller, more active faults have not been forgotten or disregarded.
- Eric Doyle (email via Chair Swisher): Notes that Senior Planner Smith mentioned smaller projects that would not use state or housing funds, but those projects are more expensive and just as challenging. Unit costs for small projects is more significant. Would like further clarification. Director Russell provides clarification on this matter and agrees with Doyle's comments.

- Chair Swisher: If plan is approved, what is the repercussion is projects do not come in? Director Russell provides information on this, noting SB35.
- Town Attorney Silver: Further comments on the affordability in the area as far as market rate, but affordable units may be available using additional policies such as the inclusionary policy.
- Chair Swisher notes that policies will become a larger part of the process once sites a determines.

PRESENTATION (2hr:36min)

1. **Site Scenario B** – Map presentation by Director Laura Russell. Review of fault map, including nearby creeks and zoning setbacks and opportunities.

Comments from Committee

- Turcott: Questions regarding including large open blank space just to the left of the turquoise area on the Site Scenario B Fault map, and how to rezone when the area is already populated, and people stay for decades in their house.
- Director Russell: Notes this will depend on the economic demographics, acknowledging the older homeowners the area. Also notes that “baby boomers” and people older than that are selling their properties at higher numbers in the past. As such, we are seeing more things turnover, then we would have in the past. Village Square is owned by a real estate agent and broker, meaning there is market value and there is a possibility of adding residential units there. Why we didn't include the space to the side of that is because that's Windmill School, and they just finished construction.
- Unknown Speaker: Would the opportunity to use a concession apply to the setback from the creek? Director Russel discusses consideration of density bonus law waivers in regard to creek setbacks. Town Attorney Silver provides additional information.
- Wolter: Questions about use of other tools beyond ADU's and SB9 as it seems like these are not being utilized. Is there potential to change that to make it more viable to spread out some of these units. Would like to see an evaluation of SB9 implementation because she does not feel it works for people as implemented right now. Would like some analysis around that to gain support. What is the status of the other parcels that were once considered? Director Russell provides insight and information to address these comments and questions.
- Kelly: Concerned that spreading these units around the town is flawed, and not likely to lead to the result that we want to lead to. Feels that transportation and the ability to bicycle to destinations should be considered, and there should be a goal to build homes that do not require people to have two cars. Environmentally, fewer cars is a great idea. In terms of our traffic, that's a good idea as well. We need to focus on realistic development, and it seems that the more fragmented we do this, the less realistic it becomes. Resists the characterization that this is a burden; it adds to diversity, it adds energy.
- Chair Swisher: Notes that there is not a lot of area there for building too many units.
- Aalfs: Question regarding what mixed-use zoning would look like for something like Village Square, which would speak to Bill Kelly's point about combining some housing with some retail

businesses in a way that would be interesting and attractive? And would the ramifications be in introducing mixed-use zoning anywhere along this corridor? Director Russell and Chair Swisher provide information regarding allowing mixed-use zoning here.

- Unknown Speaker: Asks Director Russell to guide committee through the size of the site and the vision when looking into the site from a professional development standpoint. Notes what seems to be assembly problems and would like some information on the limitations to the site. Question of what makes it a good site and what are some of the limitations, and that may help with further conversations as we look at additional properties. Director Russell provides information on the commercial tenants and how single-family homes are going to depend on the interest of that property owner and the market. Sees the potential over time for property owners potentially to sell their properties, a couple of those could be combined, so that larger projects would be possible and site planning would be easier. Building on a little bit larger site is going to be less risky, less expensive. Senior Planner Smith provides information on site size. Director Russell acknowledges the constraints.
- Chair Swisher: Question on homes as approaching Priory, could we add behind that area? Extend the purple area on the map. Director Russell confirms this possibility.
- Wolter: Suggests looking at other tools and sites to spread out the transportation possibilities, including shuttles and bicycling, to encourage building throughout the town.
- Armsby: Noting the information provided on cost per unit for Willow Commons: is that a metric we should be thinking about when we think about feasibility? Willow Commons is being built not because it's a good commercial idea. It's not being built as a profit-making undertaking and it is being built at great cost per unit. And it's wonderful that it's being built, but wondering about in terms of looking at how we zone are any zoning changes that might be made to these parcels and any density allowance. Should we be working to get the cost per unit into a reasonable range? Is it feasible that another developer is going to come in at a 500k per unit cost? Wondering how much of a factor that's going to be, as we think about changes to zoning and to density. Are there assurances that HCD is going to give safe harbor? Director Russell provides answers and clarifying information.
- Unknown Speaker: Notes that criteria picked for these sites were safety and constraint. Does that work with HCD? Director Russell fields this question regarding identification of specific sites.
- Planning Partner Banks: We must identify specific sites. You can't just say go find a site, and if it meets these criteria that you could get approval. They want to be able to identify the specific sites. And the town is going to have to provide some justification on those sites, as far as the viability not only financially, but that it can the possibility of it developing probability of it developing over the next eight years, which is the cycle for the housing element.
- Wernikoff: Interested in looking at all scenarios, not just B versus C. How many additional lots that are single family currently, would we need to be looking at if we prioritized everything that's already across all scenarios? Director Russell gives information to answer.
- Russell: If we prioritize only one type of parcel, meaning only commercial, it will not well be well received by HCD. They know that historically, with different housing elements, the sites that are already developed as commercial don't redevelop very often. Therefore, they have added extra rules that we have to look at within the sites to analyze whether we think they'll redevelop.

- Chair Swisher: Asks if at the next meeting it would be possible to, for every parcel that's on B and C, to estimate given the acreage for each lot and the amount of housing that would make sense to go there?
- Russell: We can do some ranges, but it would be ranges at this stage.
- Aalfs: Following up on Wolter's comments about spreading things out. Everything is one house per property, but is there is there an intermediate tool for four to five or four to six units per property? Concerned that none of it would likely be affordable.
- Planning Partner Banks: Notes that one of the important considerations is getting your zoning in place before the end of next January due to time constraints. If somebody provides 20% below housing market rate, there could not be any discretionary approval, and why that may seem like a long time to do the environmental analysis, we really need to get started very quickly in order to prepare those documents and go through the public review process that an environmental document has in order for the town to be able to approve those sites in that period of time.
- Director Russell: We want the recommendations of this committee to then go to a community wide meeting and to a council meeting, a joint session of planning commission and council, so that we have that robust audience participating. Those recommendations would be brought into a full draft of the housing element. Also notes that HCD has pushed up the time that we must submit to them. We want conservation committee to review projects, we want trails committee to review projects, so we must stay on this timeline to preserve that ability to keep that intact.
- Wernikoff: Notes that there are so many state regulations and mandates put upon us and our hands are tied by these timelines. Ideally, we'd have the full fire mapping process done. Unfortunately, that's not going to happen. Appreciates the diligence that Laura and staff are going through to keep us on track with our commitment to the state regulations.
- Director Russell: Feels we have very good direction. Would like to go back to address interest in potentially adding additional properties around the B and C scenarios. Would like to gauge how much support there is for that, to possibly make the B and C scenarios a little bigger.
- Chair Swisher: Well, so how about scenario C going further. Are people are supportive of that?
- Kelly: Question about why those lines drawn exactly where they were? I'm sure there was a thought process, but I'm not sure I heard it today. Director Russell explains the methodology.
- Chair Swisher: It seems like there is interest in exploring and possibly adding some adjacent properties to these that we're looking at.
- Director Russell: In being realistic about what we can get back to you in a week. Encourages committee members to do is also drive around if they haven't already to bring more sites into the conversation. Survey data will also be shared next week.
- Russell: Community has heard discussion today. For public comments, please submit via email to housing@portolavalley.net. Needed by Thursday at 12pm. At the next meeting, the public will have further opportunity to comment.

STAFF UPDATES (3hrs:46mins)

- 2. Forthcoming committee meeting topics and schedule** – Director Laura Russell discussed:
- a. Survey is closed; over 700 responses
 - b. 2/28 meeting is Monday at 4:30pm
 - c. 3/16 community wide meeting (date is tentative)
 - d. 3/21 regularly scheduled meeting to discuss programs
 - e. Joint Planning & Council Meeting to be scheduled

Comments from Committee:

- None

Public Comments:

- None

APPROVAL OF MINUTES (3hrs:50mins)

- 3. Ad Hoc Committee of Housing Element** - Motion to accept minutes with edits from previous meeting: Pierce, seconded by Kelly. Unanimous approval.

Public Comments on the Minutes:

- None

Final Remarks

- None

ADJOURNMENT (3hrs:52mins)

Chair Swisher adjourned meeting.

Ad Hoc Housing Element Committee Meeting
Special Teleconference Meeting

February 28, 2022

Meeting recording: Part 1: <https://www.youtube.com/watch?v=6TTizjwr758>, Part 2: <https://www.youtube.com/watch?v=IUJM5tli0Xw>

For each agenda item, there is a time stamp that corresponds to the time in the meeting video.

CALL TO ORDER AND ROLL CALL (0:27sec)

Chairman Jocelyn Swisher called teleconference meeting to order. Planning & Building Director Laura Russell called the roll.

Present: Committee Members: Aalfs, Armsby, Dory, Doyle, Kelly, Kopf Sill, Pierce, Sill, Turcott, Ward, Wernikoff, Wolter
 Absent: Tarc
 Town Staff: Planning & Building Director Laura Russell, Senior Planner Adrienne Smith, Town Manager Jeremy Dennis

- Chair Swisher: Appreciates attendees for being present. It's the 8th Ad Hoc Housing committee meeting, and she gives a description of the housing element development. Encourages the new attendees to get involved by going to the website and reading the materials. Makes it clear that there will be no binding votes at this meeting. This is a discussion-based meeting only, in which the discussion will then be taken to the council. There will not be a formal vote at this meeting. Swisher also informs the audience that this is a volunteer committee that was formed by the council to support the housing element development in accordance with state law. She then describes decorum during the meetings by encouraging being solution-based.

ORAL COMMUNICATIONS (6:50min)

Oral communication received from:

- Caryl Russell: Would like to know if the committee is aware of the local and regional trust funds that have been developed to match dollar for dollar in order to create affordable housing. Are we able to utilize the "Housing Trust Funds" that the city of Portola Valley has for affordable housing? The fund in question is the Inclusionary Housing Fund, which is around four million dollars; however, the town would need a certified housing element in place before the funds can be utilized for affordable housing. Update from Cara Silver: there is 3.7 million dollars in the trust fund. The town council has not decided how to utilize those funds.
- Aurangzeb Khan: holding comments until the site selection portion of the meeting.
- Craig Eckstein: Why hasn't the public not been informed about these meetings that are occurring? Eckstein explained that he was only informed about the meeting the day before, and his colleagues, acquaintances, and friends also did not know this was occurring.
- Beth Taylor: There is a question about communication and transparency of response, due to lack of awareness. Wernikoff responds and says this process started in August 2021 and has been on the town council website since then, along with additional communications that are going out to the housing element. Encouraging the attendees to sign up for the housing email list via the

town's website. Community-wide meetings also occur and are highly encouraged to join the meetings.

- Rita Comes: She has attended other meetings and feels that there have been citizens that have been silenced regarding information and questions around rezoning properties. She would like to know when this will be discussed.
- Bob Adams: Inquiring about why there will be no vote at this meeting regarding the housing element and the safety elements working in parallel for approval. Swisher will take an informal poll at the end to gauge a consensus.
- Lynda Brothers: The links on the website do not link to the laws, only the guidelines. Brothers is inquiring about where to go for the correct information that pertains to the law.
- David Cardinal: Expresses gratefulness for transparency regarding the community-wide information that is available.
- Dave Conlan: Has questions regarding the rezoning of housing and other areas of the city and asks why there is no say in the vote yet on the obligation to pay for this new construction.
- Karen: Expresses gratefulness for community involvement.
- Kristi Corley: The goal is to provide affordable housing while zoning correctly. Please be thoughtful about the communication, agendas, and timely options regarding the meetings.
- Bruce Roberts: Believes that the town members should be informed more. Also said that the citizens should be getting mailings from the town.
- Ronald Eastman: If most residents are not aware, the goal is still not being achieved. What studies have been done regarding consensus about the future.
- Valeria Baldwin: Question- Why can't we go back to the state and go over the fire and evacuation issues with them?
- Michael Boskin: (1) The town needs to have a vote rather than just the council. (2) The timing of this is vital and needs to include being open to hear from the town. (3) Process going forward will be critical to consider.
- Danna: Which of the citizens are involved in the safety element? Is there a committee and which residents are involved?
- Jon Silver: Encourages democracy in the community and proactivity from each citizen.
- Caroline Vertongen: Inclusionary law including public safety have been ignored and need to be addressed.
- Caryl Russell: Identifying parcel numbers or addresses was difficult to organize rezoning. Also wants to know why comments are only 2 minutes long, as they are inconsistent with the Brown Act.

- George Zdasiuk: Time management is a big issue, so there needs to be a better communication plan by the committee to get in touch with the citizens. Also, the safety plan needs to be looked at before any other action items go forward.

Attendance update from Chair Swisher: There are 157 attending from the community, 20 panelists, including committee and town staff.

MEETING AGENDA (54min:40 sec)

1a. Housing Sites Inventory Part 3- Review Survey Results- Presented by Sarah Wernikoff

- a) The survey ran from February 10th-21st
- b) Town staff pushed the survey through email, business, and school, and the town website
- c) 707 responses received
- d) Housing Element Survey Results presentation (survey results are also available on the website)

1b. Housing Element Update General Introduction- Presented by Director Laura Russell

1c. Presentation of Housing Sites Inventory Part III: Visualizing Density - Presented by Senior Planner Adrienne Smith

Questions from Committee (2hr:02min):

- Anne Kopf-Sill: Do you have an analysis on the value of property when it's a single-family house versus when it's currently a single house? Are there rough figures for this? Also, what do the units look like? Russell: there is variation because we are unique in terms of property value, in which case this process is called "up zoning."
- Andrew Pierce: What do we have to do to get certain units to count towards renovations? Russell: Planning for them would be contingent upon approval, which they are working through now. There is not a definitive way to tell, but it is being looked at so that it can get approval from HCD.
- Al Sill: If we do the 6-unit proposal, could those properties be kept as a single-family house? Regarding the commercial space, is there a way to zone the commercial places that already exist? Glenn Oaks: is it possible to build on this?
- Helen Wolter: Does staff need direction on the type of housing or the amount of density? Are the potential 6 units per two acres currently zoned as single-family homes?
- Bob Turcott: How will residents be able to see the presentation? Why can't zones be counted for units? If a single house is ruined by a natural disaster, can it be rebuilt as a single house family? Comments about inverse condemnation. Also asks about homeowner association policies. Comments about changing from multi-family to single family homes and those being considered for-profit housing. Will there be parking or on-site parking? Regarding the geologic map, will we hear from an expert in geographic safety about where the housing is located?
- Nicolas Targ: Question regarding the feasibility of units for low-income housing.
- Helen Wolter: Inclusionary policy clarification question.
- Jeff Aalfs: Clarifying question about commercial site and using it for mixed use after it's rezoned.

- Sarah Wernkoff: If we maintain the residential use of property and mix it with the commercial use, has an analysis been completed on what that looks like for the open space? Also, can the open space be used for a corridor?
- Janey Ward: Where are we with underground power lines?
- Jeff Aalfs: Expensive, about \$5 million a mile.

Public Comments (2hr:57min)

- Peter Draeger: The rezoning plan deeply affects a lot of people in the community and is very inconsiderate of current citizens who live and work in the city.
- Bill Russell: Satisfying the affordable housing plan needs to have the community directly involved, because that should take precedence over anything else.

Meeting Break- 3hr:9 min: 25sec

Meeting Resume at 3hr:12min:5 sec

- Julie Fouquet: Increasing safety problems, single family homes are not close to 20 acres, sound travels so increasing density is not going to be good.
- Chris Boskin: we went over 68 units last time, so is there a credit that can be received for insurance purposes and other concerns.
- Dale Pfau: Not completing the safety element before the housing element is not wise and it needs to be discussed. High density housing along the scenic quarter and the residents do not want that.
- Maria: Encourages the council to consult with other towns to get ideas on what works best for this.
- John Matlock and Kathie Matlock: talk to citizens about where to place these homes for zoning.
- Patty Dewes: Comments about wanting to protect the citizens against the congested communities
- Goerge Zdasiuk: Evacuation plan is a static model but is not actualized in that particular area.
- Rita Comes: 21 members of the panel, but we don't know who is watching us. Sad that word of mouth is the way that her neighbors are finding out that their homes are being rezoned without them knowing at all.
- Karen Askey: Not in favor of placing already high-density areas with more homes.
- Nan Shostak: Gives mapping of boundaries that are currently happening, and the issues that persist with the evacuation plan if there is a natural disaster, especially in regard to liquefaction.
- David Cardinal: Does approving or not approving the Stanford wedge project affect the rezoning? How does this affect local small businesses?

- Valerie Baldwin: There is no fault on the 2017 map, but there is a map with a fault that is active that the committee should consider.
- Ellen Vernazza: Expresses concern for safety concerns with the current plans with rezoning.
- Beth Taylor: Expresses concern about the rezoning and density of the town, considering that the town is not close to the freeway.
- Bruce Roberts: The money for the trust fund should be used for the homes.
- Aurangzeb Khan: Any proposal that adds hundreds of people to the city will be a burden that is not equitable or reasonable.
- Bob Adams: Comments about the calculations, maps, parcels, and the property values, and would like Laura to send a copy of this information.
- Ellie and Dale Mertz: Encourages the committee to come and view the neighborhoods that they are trying to zone, because it is not feasible.
- Karen: The immediate neighbors' property value would be significantly impacted in a negative way.
- Maxwell Moore: Having to relocate their chiropractic practice would severely affect the livelihood of small business owners all around the community.
- Jeff Booth: ADUs should be incentivized.
- Kevin and Celeste Ford: Zoning is a community wide problem that needs to include incentives.
- Jon Goulden: holding comments until another meeting for sake of rules and regulation
- Loni Austin: Expressed disdain for concentrated housing and infrastructure considering there are safety problems with the current plan.
- Rusty Day: Zoning on specific communities is unfair to the community.
- Gary Morgenthaler: Safety on high density housing comments and placing problems on certain neighborhoods.
- Carter Warr: What is the impact of SP9 numbers? Also expresses concern for the legislature and problems with the rezoning map.
- 851787: These maps presented are better presented than previous meetings.
- Craig Eckstein: Expresses concern for housing plans, low income, and rezoning plans. Suggests sending mailers to everyone in the community. Silver responds to the reason why the committee is not fighting the law for this for appeal reasons. Laura explains the best practices for law rezoning.
- Judith Murphy: Comments about negative impact on high density rezoning, and the decrease of recreational activities is not good for the future of the community.

- Danna: Recommends that residents' names are in the meeting minutes per the information act.
- Bob Schultz: Urge the committee to change tactics regarding the spaces being used for rezoning.
- Jon Silver: Comments about strategically rezoning.
- Beth Taylor: Will there be a consequence if the housing plans don't come to fruition by 2030?
- Josh Porter: Comments on approval rates.
- Greg: Do we have a town insurance database?

Attendance update from Chair Swisher: 84 members of the community present

COMMITTEE DISCUSSION (4hr:52 min: 20 sec)

- Clarifying note from Director Russell about ADUs

Committee Comments and Questions (4hr:54min):

- Jeff Aalfs: He doesn't see another way to fulfill the requirements without rezoning, and he recognizes that this is a tough conversation to have. Swisher chimes in on zone requirements.
- Janey Ward: Noting that the community wants the businesses and recreation for the community, zoning laws, and the importance of having the community involved during the process.
- Sarah Wernikoff: Acknowledging Janey's comments
- Andrew Pierce: Comments about awareness are the most important throughout the process.
- Aimee Armsby: Comments on the community's involvement. Also makes comments about ADUs not being the only solution.
- Anne Kopf-Sil: Notes about changing the wording about using certain zones for mixed use instead of only commercial or residential.
- Nicholas Targ: Comments about looking at town center development and mixed use of the properties.
- Bill Kelly: Comments about change and embracing this new phase for the town.
- Sarah Dorahy: Encouraging citizens to send in their comments regarding these new phases of the town's rezoning.
- Janey Ward: Volunteered to increase communications through the community.
- Laura Russell on behalf of Helen: Rezoning comments, comments about mixed use of properties, and other things that can justify these decisions.

- Al Sill: Question about low-cost housing and comments about dispersed housing.
- Jeremy Dennis: Responds to Sill's comment about areas that can or cannot be zoned.
- Bob Turcott: Comments on committee's efforts to keep working on zoning around the town.
- Janey Ward: Responding to Turcott's comments and suggests young people to get involved in the community.
- Bill Kelly: Notes on voluntary incentive program for zoning.
- Cara Silver: Comments on program densities.
- Laura Russell: Comments about implications of housing regulations.
- Jeremy Dennis: Comments about the importance of keeping on schedule.
- Nicholas Targ: Comments on figuring out the action items and identify the work that needs to get done.
- Chair Swisher: In summary – consider Stanford property, El Mirador and Neely property; look at vacant properties on Alpine near the Willows Housing development; look into a way to have property owners volunteer to have their properties upzoned; streamline ADUs
- Laura Russell: Will need to determine contact method.
- Anne Kopf-Sill: Responding to Russell's comments on who needs to be contacted.
- Jeremy Dennis: Suggests that next step is a meeting with town council.
- Swisher: Clarity on communicating that there is not a vote occurring at this meeting.

STAFF UPDATES:

No Staff Updates

Final Remarks:

None

Public Comments:

None.

APPROVAL OF MINUTES:

Not applicable for this meeting. Minutes will be approved at an upcoming meeting.

ADJOURNMENT

Chair Swisher adjourned the meeting.

From:
To: [Housing](#)
Subject: 'Time to rise up'
Date: Monday, March 21, 2022 12:35:07 PM

Seems like IF EVERY city and town in CA organized and were in agreement to overturn both SB 9/10 and the RHNA mandate, the State would be overwhelmed and have to capitulate to the voters and residents of California. These are 'dictatorial mandates' UNAPPROVED by the citizens of the State. There is no reason why the Town of PV (nor any other CA city or town) has to acquiesce to those who really DON'T represent us. The sentiments of Californians are clear.

An uprising is in order. We do not have a king running this state; just lackeys in Sacramento. Why are we such cowards bowing to the sentiments of politicians. Time to stop this nonsense and madness. Torches and pitchforks at the ready.

gene chaput

March 7, 2022

Ad Hoc Housing Element Committee
Town of Portola Valley
765 Portola Valley, CA 94028

Re: AD HOC Housing Element – Re-zoning
Jelich Stores

Dear Ad Hoc Housing Element Committee,

We the owners of the Jelich Stores, (Jelich Stores LLC) are writing this letter to voice our opposition to having our property 104-116 Portola Road, Portola Valley, CA. (San Mateo Parcel # 079-072-100) rezoned from Commercial to the new Residential Low-Cost Housing. This property was commercially developed in the late 1950's by our parents as a four store complex containing a Grocery Store, Hardware Store, Drug Store, and Liquor Store. Over the 60+ plus years our Business Location has evolved to what it is today, a Realtor Office, a Hardware Store, a Physical Exercise/Sports Medicine Facility, and a Hair Salon.

As you can see, our property has been fully developed for over 60+ years. All businesses have minimum 5-year leases with options to extend for an additional 5 years of business. The lone exception is the Hardware Store which has a 10 year lease (4 of which are used) with an option for 5 additional years. It is our intent to execute these leases to their fullest extent including the additional option years. As each lease comes due, we intend to grant more 5 year leases plus the option for an additional 5 years to our tenants. It is also our intent and those of our heirs, to continue this operation for the foreseeable future as we have neither the intention of selling the business nor changing of our buildings to a non-commercial or other use. In regards to excess property on our land, with the relocation of Portola Road and Alpine Road to its current junction in the mid 90's, the Jelich Brothers donated the excess land on our property to form the current Town of Portola Valley's Triangle Park now located adjacent to our existing facility.

Our main objection to this rezoning is that our Property does not meet the State's Department of Housing and Community Development (HCD) requirement that there will be a change of use during the next 8 years Planning Period. As we understand it, the Town cannot rely on rezoning of our property to satisfy its state requirement, unless it provides the HCD with "**substantial evidence that the current uses of our property are likely to be discontinued during the planning period**", i.e. during the next 8 years. We also understand the Town is required to explain in its application to the HCD how it has made a determination, considering "**all factors including the extent to which existing uses may constitute an impediment to additional resident development...existing leases and other contracts that would perpetuate the existing use or prevent redevelopment of the site**" during the next 8 years. As noted above, all of our leases exceed the 8 year Planning period requirements of the HCD and we will extend

them again as they come up for renewal. We've also explained that we have no intent in the foreseeable future but to continue our operation as it is today

Per this letter, we are demanding that this letter of OBJECTION to a rezoning our property be filed with the Town of Portola Valley's submission to the HCD for their Rezoning Plan for Low Cost Housing. This letter clearly shows what our future intentions are for this property and it clearly exceeds the 8 year Planning Period required by the State HCD filing requirements.

Sincerely,

JELICH STORES, LLC

Ed Jelich

Managing Partner

Cc: George Jelich
Don & Sandi Jelich Anderson
Joyce Jelich
Jeannie Ladley
Zelda Jelich Trust
Dan Adams (Turner, Huguet, & Adams)

From: [Melvin Gaines](#)
To: [Laura Russell](#); [Housing](#)
Subject: FW: Ad Hoc Housing Element Committee
Date: Monday, March 21, 2022 1:27:33 PM

From: Margo
Sent: Monday, March 21, 2022 12:09 PM
To: Webmaster <webmaster@portolavalley.net>
Subject: Re: Ad Hoc Housing Element Committee

I certainly hope the issue of Density Bonus will be addressed this afternoon. It was certainly omitted last meeting.

https://www.meyersnave.com/wp-content/uploads/California-Density-Bonus-Law_2021.pdf

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB290

Sent from my iPhone

On Mar 18, 2022, at 5:32 PM, Town of Portola Valley, CA
<webmaster@portolavalley.net> wrote:

Ad Hoc Housing Element Committee

- Date: 03/21/2022 4:30 PM - 7:30 PM
- Agenda: [Ad Hoc Housing Element Committee Agenda 03-21-22](#)

Having trouble viewing this email? [View on the website instead.](#)

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From: [Sharon Hanlon](#)
To: [Housing](#)
Subject: FW: Housing comment
Date: Wednesday, March 23, 2022 3:24:17 PM

From: Nancy Bovee
Sent: Wednesday, March 23, 2022 2:02 PM
To: Sharon Hanlon <shanlon@portolavalley.net>
Subject: Housing comment

I'll try to be brief:

1. The state must provide an environmental impact report before any actions taken
 - a. effect of additional humans on all our wildlife (who shouldn't have to pay the price of more human activity)
 - b. impact of importing and diversion of fresh water
 - c. quantity of additional emissions from automobiles, heating, etc.
2. It seems impossible to provide "affordable" housing because even providing a patch of land large enough for a tent would be too costly for many and the taxes would be an impossible burden
3. NO playing fields, trails, open space should be sacrificed for people who never invested efforts to provide and save these important features for a healthy environment for children particularly, but for all of us - even people who don't live here.

I am ready to stand in for a civil disobedience movement to protest harmful laws which tax the few to provide for votes for legislators.

Nancy Bovee - from the "sphere of influence"

ps. where is it stated that the additional housing units must be provided for "humans"?

Robert Allen
211 Nathhorst Ave
Portola Valley, CA
94028

March 22, 2022

Mayor Hughes,

I did not make any threat at our Sunday yard meeting to “do everything to bankrupt the town” It is unfortunate that you expanded on this line of personal attack on the PV forum. Wow.

I have contacted all in attendance. **100 % agree that I made NO threats of any kind.**

I want the Town to follow the law. I do not want the Town to rezone my family home or those of my neighbors for high density housing. If the Town chooses that course, it will be rejected by the State for reasons specified in State law. If the Council does not to follow the law, it will be responsible for any negative impacts on the Town.

I hired an attorney to enforce my rights under the law. The Town has an attorney at every meeting. I am going to retain a lobbyist. The town already retains lobbyist.

I never received ANY written notice regarding rezoning of my home. Since no one will explain how my home was put on a map, I requested copies of public records surrounding that decision.

It is not dark to ask why your home is being threatened, it is effort to shed light on why.

Ask anyone who has tried to get approvals from Town about their experience. I doubt they will sympathize with the time to comply with a documents request!

We need a solution which spreads out the obligation across Town. I said that we need positive energy to solve this - not an attack on a small group of homeowners or individuals.

I ask that you retract your statements, in writing, that I “threatened to do everything to bankrupt the town”. I will ask all those in attendance to meet with you in a public forum if that is what you choose.

Let’s take the temperature down and solve this.

Thank you


Robert Allen

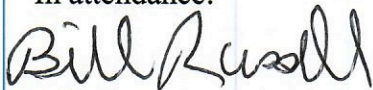
See the following page which for a statement from some of those in attendance.

Cc: Town Council, Ad Hoc Committee, Almanac

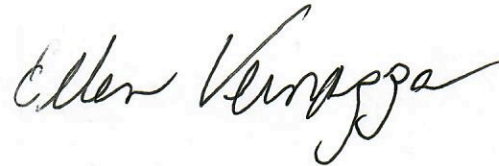
PAGE TWO

The undersigned were present at the meeting with the Mayor. They hereby state that Robert Allen did not any threat to bankrupt the town.

In attendance:



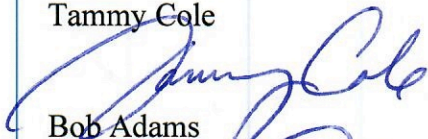
Bill Russell





Carlyn Russell

Tammy Cole



Bob Adams



I am asking the other people in our small group from Sunday to comment as well on the alleged assertion.

From: [Bill Russell](#)
To: [Sharon Hanlon](#); [Bob Adams](#); [Tammy Cole](#); [Greg Franklin](#); [Celeste Ford](#); [Jeff Booth](#); [jamie koblick](#); [Housing](#)
Subject: Portola Valley Housing Crisis
Date: Wednesday, March 23, 2022 1:53:01 PM

Introduction:

"They paved paradise and put up a parking lot
They took all the trees, and put em in a tree museum
And then they charged the people a dollar and a half to see them
No, no, no
Don't it always seem to go
That you don't know what you got 'till it's gone
They paved paradise and put up a parking lot."

Joni Mitchell

"It's a beautiful day in this neighborhood
A beautiful day for a neighbor
Would you be mine?
Could you be mine?"

Fred Rodgers (deceased)

The Crisis

Portola Valley faces a crisis not of its own making. The State of California has mandated that this town submit a proposal for 253 dwellings to meet the state's need for additional reduced cost housing. And, to compound this already difficult task, the state has demanded that a preliminary report be produced within the next 5 1/2 months (although I was recently advised the town, along with other towns and cities within our county, are seeking an extension of time to produce the required plans.) The town is working diligently to complete this task. I submit that we must not let arbitrary deadlines dictate our conduct and that we continue the work at hand and when the project is complete and acceptable to the informed town residents, then, and only then, we submit the proposed plan to the state.

DO NOT FEAR THE BIG BAD WOLF

Let's remember: state law specifically states that the plan does not have to be implemented at the time of the plan submission. Second, state law provides that this is just a proposal, nothing more and nothing less. Third, state law provides for extensions of time. Fourth, this is not a situation where we appealed the initial unit designation from the state, were turned down, and are now begging for more concessions. To the contrary, the town has willingly accepted the designation and is doing everything within its power to comply. Fifth, once the plan is presented and it is apparent that it is in keeping with the state mandate and that good progress is being made to implement it, is there anything that the state can or would want to do except work with us in a continued cooperative fashion?

A footnote: much of what I say here requires an opinion of counsel. Fortunately, we have a

town attorney who can actively assist in the process. Throughout this discussion, when I see a legal issue that needs comment I will designate it with: " **ask our lawyer.**"

What do the Town Residents Want?

From the recent town survey conducted by the Ad Hoc Housing Committee and the comments of the more than 100 residents attending the 2/28/2022 committee meeting, the expressed wishes of the town's residents are:

1. Protect and preserve the scenic corridors along Alpine and Portola Road.
2. Protect and preserve the existing commercial establishments in this town.
3. Encourage the continued construction of ADUs by streamlining the process
4. Do not build high density housing in the town such as apartment buildings and the like.
5. Do not rezone occupied single family residences against the wishes of their owners.

The Possible Solutions:

1. Increase the number of ADUs.
2. Make vacant land owned by the town available for development.
3. Acquire privately owned vacant land through donations or purchases that can be made available for development.
3. Expand the use of existing commercial properties within the town to include housing, through mixed use zoning.
4. "Upzone" some or all of the single family homes in town against the wishes of the owners in order to permit construction of as many as 20 housing units per one acre lot (a draconian measure favored by virtually no one.

The Measuring Stick For All of the Proposals

All of the proposals must be measured with the following considerations in mind:

1. Is the conduct contemplated by the proposal voluntary or coerced?
2. Is the proposal likely to increase the density of housing in a way that reduces the beneficial enjoyment of the homes already owned by the town's residents?
3. Is the proposal likely to cause the monetary value of existing single family residences to be reduced?
4. Is the proposal likely to increase the already existing fire hazards within the town and associated need to exit in a timely and safe uncongested fashion?

5. To the extent that increased housing is perceived as a burden rather than an opportunity does the proposal spread the burden equally throughout the town's residents or does it target a small segment of the population to shoulder what, equitably, should be the responsibility of all 1700 homeowners?

Accessory Dwelling Units

Additional ADUs are, I believe, the very best opportunity to satisfy the state's mandate. ADUs meet all of the above criteria. They are voluntarily undertaken, the density increase is minimal and spread throughout the town, the ADUs will likely increase the value of the homes that contain them and will not negatively affect either the value or enjoyment of neighboring homes. Here's how we get there:

1. Adopt pre-approved plans for the development of ADUs. This is what the Town of Piedmont did. This will eliminate the current beauracratc nightmare (as Bill Kelly calls it, the "Routine Torture") of gettng a plan approved by this town. Many residents have complained of an extraordinarily costly (above \$100,000) and time consuming (exceeding one year) process just to get approval of a plan before breaking ground. At the last Ad Hoc Housing Committee Meeting Laura Russell said that she did not know what else to do because the process had already been streamlined, and we still want to look at all geologic and fire hazards and don't want to lose "control" (not sure what she meant by this) over the process. I submit that there are still creative ways to further streamline this process without compromising safety. As for fire dangers, how can we contemplate putting 20 housing units on a single acre and then find it so troubling that someone might put a single 800 square foot fire retardant ADU on that same acre? Time to think out of the box.

2. Incentivize all of us to develop ADUs. This state's health and safety code requires that cities and counties develop a plan as part of their Housing Element that incentivizes and promotes the creation of ADUs that are offered as affordable rent for very-low, low, and moderate income households. I previously suggested that an emergency letter be sent to every member of the town advising them of the following:

A. the state's plan for forced increased housing.

B. the opportunity to turn this into a benefit by encouraging all homeowners to develop an ADU through a streamlined process with three possible pre-approved plans eliminating the expensive and time consuming process for plan approval and that increased ADUs will benefit all of those who work and serve us but cannot afford to live here----i.e. teachers, firefighters, police, store clerks,

C. offer a cash reimbursement of \$25,000 for each homeowner who constructs such an ADU which will help defray the cost of architectural plans and construction.

As to "C" above, the town has almost \$4.0 million in cash that can be used for this purpose. If 100 residents construct an ADU, that would cost \$2.5 million and, likely, solve the housing crisis. Further to this point, the Cal HFA ADU Grant Program provides grants to reimburse homeowners for pre-development costs associated with the construction of an ADU. Under this program, the California Housing Finance Agency (Cal HFA) will review the submission package and contribute up to \$25,000 directly to construction escrow. The funds can be used to reimburse borrowers for eligible costs, including but not limited to architectural designs,

permits, soil test, impact fees, property survey and energy reports. Finally, the Local Housing Trust Fund Program can provide matching funds to local housing trust funds (think the almost \$4.0 million) this town possesses. Eligible uses include the construction of ADUs or JADUs. Previously, with respect to the LHTF Program, I suggested that the housing committee reach out.

3. Contact any number of local builders and ask them if there is a cost benefit to constructing 20, 30, or more ADUs of the same plan type at the same time? Think economy of scale.

I never received a formal or informal response from the housing committee to these prior proposals by me; which brings up another point. By letter, weekly staff report or any other form of written communication, the housing committee must:

1. Respond meaningfully in writing to each suggestion of the town residents to solving the housing crisis.
2. Advise of the status of all investigations being conducted by the housing committee to explore housing alternatives and the result(s) of those ongoing investigations.

THIS IS THE ONLY WAY TO HAVE AN INFORMED ELECTORATE AND ENSURE ALL OF US THAT THE COMMITTEE AND THE PLANNING DEPARTMENT ARE DOING EVERYTHING WITHIN THEIR POWER TO SOLVING THIS PROBLEM.

Ask our lawyer: what does the state require in order to qualify a proposed ADU as part of the 253 requirement: a formal application for permission to construct an ADU or a letter of intent or something else? (I believe that no deed restriction is required, true?)

VACANT LAND OWNED BY THE TOWN

There are multiple sites of vacant land owned by the town--Rosatti field, Ford Field, Town Center, Blue Oaks acreage, part of Spring Down, just to name a few. Considering the constraints outlined above, this may be an equally good solution to the crisis as expanding the ADUs. Almost all of these sites are geographically removed from the central housing locales within Portola Valley so that their development will not interfere with the existing homeowners' peaceful enjoyment of their homes nor is there any likelihood that the development of one or more of these parcels will have an affect on the monetary value of existing homes. Many of these sites are geographically located near Alpine and Portola Road, making for easy transportation ingress and egress, so necessary when there is an evacuation emergency.

In the Staff Report from the town dated September 27, 2017 there is a listing of 34 vacant properties owned by the Town. That report says that "the four that may be worth a further examination are: Town Center, Town-owned property adjacent to Ford Field, Blue Oaks subdivision remnant property on Los Trancos Road, Road Right-of-Way along the Alpine Road adjacent to Corte Madera School."

There are more than these four candidates. For many suitable parcels referenced in the September 27, 2017 report, they were rejected because of designation of the lands as "Open Space." What is not at all clear are the following:

1. Was the designation of any of the parcels as "Open Space" a designation that the town made that the town, itself, could reverse and use for affordable housing in the current crisis? (**ask our lawyer**)
2. To the extent that the land grantors deeded the land with an open space declaration and assuming that it is otherwise binding (**ask our lawyer**) wouldn't it make sense to ask the grantors to remove or revise the open space designation in light of the current housing crisis? Although I never received a response to this earlier suggestion from me, a different town resident raised it at the March 21, 2022 housing committee meeting. Laura Russell said, "I'm not aware of anyone making any phone calls to any of the grantors, but they probably wouldn't agree anyway since they gave the land as open space." My humble suggestion: PICK UP THE PHONE.
3. Contact any of the numerous local developers to determine the feasibility of constructing affordable housing units on the vacant lands with specifics as to the type of structure, number of units possible and likely development costs. Just like the "no calls" to those who deeded land to the town in number 2 above, I don't know that the town planners have contacted anyone.
4. Work with possible developers to develop a firm plan for sale of the land and development through the process outlined in Government Code Section 54220 (Surplus Land Act). Under this act an agency has been created to facilitate the sale and development of designated surplus land.
5. Contact the Local Housing Trust Fund to determine if matching dollar for dollar funds would be available for the town's acquisition of additional lands or as builder incentives.

Once again, I have no idea if any of the above suggestions are being implemented.

IS THERE A BIAS AGAINST USING TOWN OWNED VACANT LANDS?

After 40 years of practicing law I've developed some modest skills at reading between the lines. I am developing a sense that, despite everything said above, there is a bias in the ad hoc housing committee against using vacant lands for increased housing. I'm the first to admit that I could be terribly wrong but the inaction and negativity that I observe makes me wonder.

MIXED USE COMMERCIAL

I am not aware of any attempt by the planning commission or the ad hoc housing committee to reach out to the owners of commercial space to discuss adding housing (think Santana Row) to the existing space or the committee considering re-zoning the space for mixed use. A status and feasibility report would be helpful. Since, for the most part, the commercial centers of town are removed from concentrated housing centers, a further development would not cause harm, economic or land use enjoyment, to existing homeowners.

Upzoning Privately Owned Vacant Land

This is a possibility. There are multiple sites of privately owned lands that would be suitable for development. I am told that the town is reaching out to some of these property owners. This is not the best option but certainly better than upzoning existing single family homes

(discussed below). Upzoning privately owned vacant land might result in increased density and might, conceivably interfere with the neighbors enjoyment of their properties but the upzoning of the vacant lands might actually increase the value of the lands.

Upzoning Single Family Residences

This is the worst option of all for a number of reasons:

1. It is forced, not voluntary.
2. It will destroy the character of any neighborhood to which the designation is attached. 20 unit apartment buildings do not mix with single family residences.
3. It will substantially reduce the value of those single family residences that are upzoned and cannot be expanded, have an ADU added or rebuild on the destruction by fire or earthquake of the home itself. Further, no one seeking a single family home is going to buy one that has been upzoned with all of the attendant limitations. As for sale to developers, there is absolutely no evidence that upzoning single family residences valued at \$4-\$7 million will increase the value of the residences (even assuming you could ever find a developer willing to invest that sum only to tear it down and construct low cost housing). One knowledgeable town resident has estimated that the reduction in value to the Nathhorst Triangle proposed rezoning is between \$30 and \$40 million.
4. It will substantially reduce the value of the homes of the neighbors of single family residences that are upzoned. Those seeking to move into Portola Valley will not be interested in purchasing a home that is across the street from a 20 unit apartment building or if they were, the price to be paid will be substantially less than if that apartment building were not there.
4. It will substantially reduce the beneficial enjoyment of single family residences of those who are neighbors to upzoned parcels. Consider the noise, dust, traffic congestion, etc. that exists when your neighbor across the street constructs a 20 unit apartment building over 2-3 years.
5. It deprives the targeted homes and their neighbors from securing the fair market value of their homes if they choose to sell. Many of the homeowners in this town are senior citizens who have occupied their homes for decades. If they felt compelled to sell because their home had been targeted or they were an affected neighbor, the capital gains taxes would be in the millions. In any attempted sale to developers, this would be an added cost that the homeowners would extract before selling (another reason why no sale to developers would ever occur, thus defeating the goal of providing affordable housing).
6. Upzoning a single neighborhood flies in the face of the specific admonition from the state that increased housing should be spread throughout the town and not concentrated in one neighborhood (**ask our lawyer**).

The Nathhorst Triangle/Applewood Debacle

It started horribly, and then got worse. The Ad Hoc Committee, at its 2/22 meeting stated that, at the next meeting it was going to vote on upzoning a number of specified homes in the

Nathhorst Triangle. This is what is known:

1. Absolutely no notice was given by the committee to those homeowners prior to the 2/28 meeting. At the 2/28 meeting the chair of the committee apologized and said that the agenda for the meeting should have said that there was only going to be a "discussion" and not a vote.
2. Absolutely no written analysis of any kind was done of the proposed sites to determine their viability for upzoning to a 20 unit apartment building or related complex. Contrast the town's required analysis before it will approve an 800 square foot ADU. No explanation was given as to why some homes were included for upzoning and others were not. There was no rational basis for any of the committee's conduct.
3. Then the mayor got involved. After the "meet the mayor" meeting he had issued newspaper-reported negative statements of one homeowner whose property had been targeted for upzoning. What followed was a written response from that homeowner along with one or more responsive emails from other homeowners who were in attendance at the meet the mayor meeting. The mayor's recitation of the events of that meeting were rebutted in the responsive emails. The mayor then responded further with an additional email, in essence doubling down on his earlier reported comments. This town council will be acting in a quasi-judicial fashion when it votes on the ultimate housing element plan to be submitted to the state. Town council members must remain neutral and unbiased in quasi-judicial matters. When they fail to do so they must recuse themselves from further consideration of the matter or from voting on the matter. **(ask our lawyer)**. It is essential for the integrity of the vote by the council that any biased council member be recused because if not, any action taken by the council will be nullified (even if the vote of the biased council member did not change the outcome) **(ask our lawyer)**. It is clear from the newspaper article and the subsequent communications from the mayor that he has developed an animus towards more than one of the homeowners in the Nathhorst Triangle. For the good of everyone the mayor should voluntarily recuse himself.

To the merits, the proposed upzoning of the Nathhorst Triangle is contrary to law and will not satisfy the state requirements for the housing element **(ask our lawyer)**

1. The state admonishes the cities and towns to spread the responsibility for housing across the town itself and not isolate it in one neighborhood.
2. The state mandates that whenever a town or city wants to include a particular site in its required allotment and that site is not vacant the town has an affirmative duty to explain why there is a reasonable likelihood that the property will actually be available for development during the applicable cycle. Here, all of the affected homeowners have signed affidavits under penalty of perjury stating they will not be moving during the cycle. Those affidavits are admissible in evidence **(ask our lawyer)**. There is no contrary evidence to present to the state. Even the mayor himself at the "meet the mayor" meeting acknowledged that the state may not accept any such designation but, in defense he said, "well those affidavits didn't "guarantee" that the residents would not move. The affidavits and their evidentiary value speak for themselves. Including these homes in the 253 required allotment, in the face of the affidavits violates the law **(ask our lawyer)**. The law provides a private cause of action against the town when this takes place.
3. Nobody wants to sue the town. And, yes, if suits are filed, the legal costs to the town will

likely be in the millions and if the private parties succeed, it is possible that the town will have to pay their fees. All of this may be in addition to actions for inverse condemnation (**ask our lawyer**). Meanwhile, while the litigation progresses over years there will be no building of low cost housing. Who benefits and who suffers?

Maybe we should just upzone all of Portola Valley to R-3???

Let's all head in another direction.

Bill Russell

From: [Craig Hughes](#)
To: [Maryann Moise Derwin](#); [Housing](#); [Town Center](#); [John Richards](#); [Jeff Aalfs](#); [Sarah Wernikoff](#); [Laura Russell](#); [Jeremy Dennis](#); [Cara Silver](#); aswartz@embarcaderomediagroup.com; [robert allen](#)
Cc: [Chuck R. Reed](#); [Bob Adams](#); [Bill Russell](#); [Caryl Russell](#); [Karen Allen](#); [Tammy Cole](#); [Bob Turcott](#); [Karen Askey](#); [Celeste Ford](#); [Kevin Ford](#); [jamie koblick](#); [Jeff Booth](#)
Subject: Re: Open Letter to Mayor Hughes
Date: Tuesday, March 22, 2022 8:28:07 PM

Robert,

If you read “do everything he can” as stand-alone, that was not my intention. Your specific threats were limited to a public records requests, lawsuits, and lobbyists, and that is what I meant if you read the full sentence that I wrote.

I did not intend to be having this discussion on the forum; I was responding to specific assertions by Bob Adams.

I did not initiate the article that the Almanac published, though when I heard that Angela was writing an article on the town’s housing element process I did contact her to let her know about what I had heard at our meeting.

Your threats (though delivered politely and with a smile) were just one part of that conversation about what I felt was overall a positive meeting where we all shared a range of thoughts and view and concerns. I can understand why many present might not have taken totem as threats, but again, you said that you intended, if you did not like the outcome of the process, and if you felt your propriety value was at risk that:

1. The entire town would feel pain if you felt pain
2. You would sue the town, hire a lobbyist to oppose the town, and submit the town to onerous procedural requests
3. You were willing and ready to spend hundreds of thousands of dollars to do this
4. You believed this would lead to the bankruptcy of the town

If I misunderstood any of the above statements, please let me know.

I stated several times that the town fully intended to comply with the law in every respect. You made the above statements, some of them several times, anyway. They did not to me seem conditional on the town doing anything illegal.

I’m not even disputing that you may have the right to do the above things; that part is up to you.

C

On Mar 22, 2022, 7:42 PM -0700, robert allen, wrote:

file:///private/var/mobile/Containers/Data/Application/A9781B77-A47F-4B20-A6AD-B64D7CF7822F/tmp/EWS/52016639-47CB-4545-9006-978C9C4A455B-000000.html

Dylan Parker

From: Jim Rooney
Sent: Thursday, March 24, 2022 4:29 PM
To: Webmaster
Cc: Housing
Subject: RE: [EXTERNAL] Town Council Summary for March 23rd
Attachments: Feedback to the Committee

Dear Town Council and Housing Committee,

Thank you for a very productive meeting last evening. It was a long and complicated agenda so thanks for making the time and effort to get through it. I thought the meeting was very well run. My compliments to the Mayor and the committee.

A few comments:

1. I was very pleased to hear that the housing committee has decided to explore alternative options to meet the state housing mandate. Thank you for exploring that and I look forward to further discussions.
2. Thanks for approving the additional funds necessary to complete the required work on time. Thanks also to Laura and the town planners for all the work that has been done since the last Housing Committee meeting.
3. I thought that the various alternative potential options were creative and may help distribute the responsibility for meeting the state requirements from a few homeowners whose homes would be rezoned to a broader solution that would involve all town residents.
4. Attached please find the message I sent to the housing committee after their last meeting. It is recognized that many of the comments I made have been considered as part of the new efforts to find an equitable solution, and I thank you for that.

Best

Jim Rooney
118 Westridge Drive
6506198106

From: webmaster@portolavalley.net <webmaster@portolavalley.net>
Sent: Thursday, March 24, 2022 11:02 AM
To: Jim Rooney
Subject: [EXTERNAL] Town Council Summary for March 23rd

Town Council Summary for March 23rd

A quick summary of the March 23rd Town Council Meeting

Post Date: 03/24/2022 10:21 AM

A summary of the most recent meeting held on [March 23rd](#) is now available. The Town Council approved an ordinance updating the Town's organic recycling process and received an update on the ongoing Housing Element update.

Having trouble viewing this email? [View on the website instead.](#)

[Change your eNotification preference.](#)

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Dylan Parker

From: Jim Rooney
Sent: Tuesday, March 1, 2022 11:03 AM
To: Housing
Cc: Bob Turcott
Subject: Feedback to the Committee

Dear Neighbors and Committee Members,

Thank you for a very helpful and informative meeting last night. I have been a PV resident for 25 years and currently reside at 118 Westridge Drive, one of the properties along Alpine corridor designated for potential rezoning according to the current proposed draft. I am in favor of affordable housing in Portola Valley but feel the solution should focus on strategies that involve all community members and should not be accomplished by rezoning of currently occupied properties without consent of the owners of those properties. I am not a lawyer, town planner, or civic architect, so I may not be as familiar as some as to what the relevant solutions could be, but my suggestions are as follows. Many of these points were made by fellow townspeople at the meeting last night.

1. Better communication with town residents. My property was included in the draft plan as a property that could be rezoned but I had no notice of this from the town or the committee. I heard about the plan and the meeting from concerned neighbors late last week. It is true that there is public notice of these meetings but that is not sufficient to provide adequate notification, especially to potentially affected residents
2. Develop an alternative plan that would focus on development of currently unoccupied properties. This could include development of existing town land or purchase of new property. The town could use existing funds or raise funds through local taxation. That way all town residents would bear the burden of meeting the state requirement, rather than forcing a few to accept changes to their property rights for the benefit of the larger community.
3. Conduct a survey to determine which residents are willing to add an ADU to their property. That would provide a benefit to willing residents as well as to the town.
4. If the town wishes to designate occupied properties as part of the plan, only include properties for which the current owner consents to the plan for rezoning.
5. I am opposed to changing the setback on the Alpine Road corridor unless the property is designated for rezoning
6. I am opposed to any change in regulation that would limit my ability to modify or add to my property, or rebuild my property should it be destroyed by fire, etc. I currently pay a high premium for both fire and earthquake insurance.

Thanks and I look forward to further discussions

Best

Jim Rooney
6506198106

118 Westridge Drive

Dylan Parker

From: caroline Vertongen
Sent: Wednesday, March 23, 2022 3:48 PM
To: Laura Russell; Housing
Cc: Adrienne Smith; Craig Hughes; Sarah Wernikoff; Jeff Aalfs; John Richards; Maryann Moise Derwin; Housing; Jocelyn Swisher
Subject: Re: Public records
Attachments: 2013 Housing Planning Gordon.pdf; 2013 Housing Planning #2.pdf; fire hazard planning Final_6.26.15.pdf; Auditor HCD report Msrch 2021.pdf; RHNA 5 and RHNA 6 comparison_draft.numbers; housing element completeness checklist.pdf

Good afternoon Laura,

Thank you for your email.

Please note that I did submit the document with attachments using the portal yesterday afternoon after I got Jocelyn's instructions. I saw it being transmitted - I uploaded a separate document (the first page of the 2013 Housing Element document because I could not change it yesterday - I saw that one as well being transmitted. The webmaster page confirmation of this morning however did not have any content.

please note that the document you used does not match the email I sent on 3/22- When I submitted the document to the website as you described I had made 2 adjustments: I had added 1) the first of 2 pages 2013 Assemblymember Gordon Housing Element to confirm what lynn Jacobs explained and 2) I had added a link to access the auditor HCD report of March 17, 2022 which Kristy Corley mentioned during the AdHoc meeting on Monday. Enclosed you will find a copy of my original email and all separate attachments -

Please make sure that Town Council and members of the Public see this before tonights meeting.

Thank you,
 Caroline Vertongen

On Mar 23, 2022, at 9:15 AM, Laura Russell <lrussell@portolavalley.net> wrote:

Hello Caroline,

Confirming receipt of your email. Your comments will be shared with the Committee.

In the future, the best way to provide comments to the Ad Hoc Housing Element Committee is go to www.portolavalley.net/housingelement and the "Submit a Comment for the Housing Element" button. If that doesn't work for you, please email to housing@portolavalley.net instead of to Adrienne and me.

Thanks,

Laura

From: caroline Vertongen
Sent: Tuesday, March 22, 2022 9:59 AM
To: Adrienne Smith <asmith@portolavalley.net>; Laura Russell <lrussell@portolavalley.net>
Cc: Craig Hughes <chughes@portolavalley.net>; Sarah Wernikoff <swernikoff@portolavalley.net>; Jeff Aalfs <JAalfs@portolavalley.net>; John Richards <jrichards@portolavalley.net>; Maryann Moise Derwin <mderwin@portolavalley.net>
Subject: Public records

Good morning,

I tried, but was unable to speak at last night's Ad Hoc Housing Committee and I have tried the other links to submit my comments with supporting material, but that did not work either, so I am doing it via email.

Please note that many of these documents were submitted to the Town before

As your last survey showed, the majority who participated has lived in Portola Valley for more than 20 years. We have done this exercise over the years. In early 2001-2003 we held several in person public meetings - and the response was clear:
PV residents want to keep PV rural and want to keep low density housing:

<image001.jpg>

We had 3 community meetings organized by 21 element - the results of that survey was posted at the Town Council meeting August 11, 2019 - We, PV residents, expressed we did not agree with the "analysis and summary" and expressed multiple times that it did not represent what we heard at those meetings and what we expressed at those meetings.

PV residents attended the AdHoc Committee meetings and provided our input with solutions, until November 2019. We all remember what happened that night. I hope the community will request to see that recording because it is not posted on the website. On January 8, 2020, Town Manager recommended to Town Council to disband the AdHoc Committee and Council approved it.

PV residents had proposed to buy the lot next to Roberts. We all saw that there were negotiations, but it was discussed in a closed session and we never heard what happened.

Since then we started new community outreach and again PV residents are participating because we love this community. Portola Valley is not Menlo Park, not Palo Alto, not Atherton, not Hillsborough and definitely not San Mateo.... We created our own General Plan to ensure that we can preserve the characteristics of our community Our general plan was well studied and is very comprehensive.....to prepare for the future.

Last night we heard so many "suggestions and wonderful ideas" but they do not work for Portola Valley because of the "obstacles" and as Mr. Pfau and others said it again last night - PV cannot go forward with the housing element until you fix the ongoing issues.

The Planning Department listed only a few. The obstacles we currently have are not just fire and wildfire danger, earthquake danger, topography issues, but we also have issues around traffic, water, sewer, energy, and communication.....- We, PV residents have brought these concerns to Town Council and Committees for many years, yet our concerns were ignored. Thanks to our volunteers the process to prevent wildfires have started....but there is so much more to do.

Secondly I would like to understand why we cannot add all “affordable” housing built after we reached our RHNA of the 5th cycle in 2018. This created many other questions which we have presented at many meetings. We have often been told to email the Town Manager, the Planning Director and others directly, but our questions are not being answered.

California did have the requirements in place to prevent fire including wildfire. Our Safety element did have the Moritz maps , so why did our Town not prepare using the guidelines and documents of the Safety element of 2010?

21 elements has a 12 page annual checklist posted on their website - so why did we not use that?

The Town has new staff and new consultants and we continue to correct the data that is being submitted for these consultants.

Those of us who participated in the Housing Element under Assembly member Gordon heard Lyn Jacobs, former Director for the California Department of Housing and community Development (HCD) explain the RHNA process. See attached- RHNA numbers are projections upon projections , not real numbers.

In 2012, PV’s senior planner Kristiansen was able to reduce the RHNA numbers from 74 to 64 under SB 375 because of all the risks we have in Portola Valley.

We do not know who provided the data to HCD, but that data should be reviewed, just like we have asked to review the data that was submitted for the Tetra Tech. We saw the results on December 8 and it is obvious that the results did not accurately represent our community.

Last night the Planning Department started the analysis of RHNA cycle 5 - **21 element** does have an inventory about RHNA cycle. The summary provides detailed information about all the housing reported by each town/city in cycle 5 -Portola Valley stopped in 2018, but we continue to build. If indeed the goal is to demonstrate that we are building housing, all numbers should be accepted even the ones after 2018.

You will see many are vacant and/or underused. This summary should be included in the package for this adHoc Committee and for members of this community to continue the “analysis” and see if the current policies around fair housing are working.

Thank you,
Caroline Vertongen\

Housing Element Committee Meeting

July 15, 2013, 3:00p – 4:30p

Mountain View City Hall

Assemblyman Rich Gordon introduced Lynn Jacobs, former Director for the State of California's Department of Housing and Community Development (HCD).

Lynn Jacobs' opening remarks started with a quick background on housing elements. In housing element law you have to plan for housing to meet the projected need for housing. Therefore, housing elements are planning documents, not production documents. The RHNA numbers generated for each city are based on projections upon projections, not on real numbers. In fact, the projections tend to be higher than what actually has occurred. Here's how it works: The Department of Finance comes up with some numbers. Then HCD convenes a roundtable of economists from around the state and they eventually approve the numbers. The Department of Finance and HCD hire different economists to do the projections and get the numbers...even they aren't on the same page! Then the numbers go to the local Council of Governments (COG), in our case, ABAG. ABAG agrees to the number from the Department of Finance —most recently it was 187,000-- and then divides the number up among its jurisdictions in the 9-county region.

Lynn noted that each COG can appeal for a change their overall allocation. State law says you can reduce your RHNA number by 3% with no repercussions. In the negotiations with ABAG, counties should insist that ABAG make sure that the number they are given matches their actual growth numbers. Twenty years ago, legislation was passed that required housing elements to be reviewed every five years. Prior to this legislation, housing elements were not reviewed this often. However, the change has not been effective in producing affordable housing and in fact the situation has worsened. Additionally, too much staff time and taxpayer money is being spent on working on cities' respective housing elements to accommodate their RHNA allocations.

Lynn explained that today there are many new laws and sustainability guidelines to comply with, such as SB 375. She suggested that housing elements should only have to be revised every twenty years. If this were the case, there would be more time available for implementation. A longer period would allow cities time to execute their plans and see if the plans work. Currently, the process allows for new/changing laws before certified element have had a chance to run their course, resulting in a moving target.

Lynn went on to say that because of all the problems detailed above, many jurisdictions throughout the state are currently looking at housing element reform. However, housing advocacy groups claim that they need the law as currently written to force cities to plan for and possibly build affordable housing. A better strategy would be to address housing on a regional level and coordinate all planning through SB375. In order to make housing work, you also need transportation, infrastructure, jobs, etc. It's a holistic system. Too, if you want to build affordable housing, you have to have the money available to build the units, but the state housing bond money is almost gone and redevelopment funds for housing have been eliminated. Effectively, it is the financing that spells the success or failure of producing affordable housing.

Housing Element Committee Meeting

July 15, 2013, 3:00p – 4:30p
Mountain View City Hall

Assemblyman Gordon commented that if we took the money we are spending on dealing with housing elements and fighting lawsuits then perhaps we could actually build some housing.

Val Carpenter, City of Los Altos, noted that PLAN Bay Area has no requirement to build schools and she asked where will the workforce kids go to school if this is not accounted for in the plan.

Lynn pointed the group to the Strategic Growth Council which is a new state group supervising the implementation of the Sustainable Communities Strategies (SCS). Right now they have an RFP out for planning grants. Apply for it! However, zoning is a local police power, so this is yet another disconnect between what the state mandates and what can be realistically done.

Lynn also recommended that elected officials actively work with the League of California Cities and ABAG on the issue. Too, the California COGs should convene a 2-day meeting for elected officials and staff to talk about housing elements. Local governments throughout the state are spending time and energy on this topic without results. Reform is needed. One COG to check out is SCAG in Southern California. They represent half the population in the state and they are very organized. For example, they just formed a working group to talk about housing element reform. You simply can't thumb your nose at the regional stuff anymore because things like this--housing elements--are actually being enforced now which was not always the case in the past. Get the League of California Cities involved in the discussion. The way the law is currently written, affordability is defined by density. Yet this is not the case in the real world. Also, cities should be allowed to self-certify their housing elements, especially the inventory of sites. This shouldn't be a negotiation.

Lynn went on to say that Senate President Pro Tem Steinberg is working on legislation to allow cities and counties to invest in affordable housing and the development of sustainable communities, and this is the time for all regional and local governments to work with Steinberg as these changes are getting codified. Housing element reform needs to be a bottom-up reform. SCAG is a great model. They have local government representation and business on board which makes their plan much more to the liking of local government. It is important to have someone from every city council involved with ABAG. You have to keep calling them on the carpet. Say, "I don't know where you got these numbers." Show them your actual population growth (or decline).

She recommended that cities send their concerns to Claudia Cappio, who is the current Executive Director of the California Housing Finance Agency. Another important person to copy on your correspondence is Anna Caballero from Salinas. As of July 1, she is the Secretary of the Business, Consumer Services and Housing Agency.

Regional Housing Needs Assessments

Summary

Introduction

Background

Figure 1

Figure 2

Needs Assessment Comparison

Table 1

Table 2

Local Actions After HIR Completion & Needs Assessment

Needs Assessment for the Contra Costa Bay Area: A Model of Comprehensive and Interlocking Housing Strategy

HIR: Housing Needs Assessment Progress Lacks Sufficient Review and Support

HIR: How Well Does Compliance to State Requirements Improve? Does Non-Compliance Worsen and Family Size is Key?

Figure 3

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HIR: How Well Does Compliance to State Requirements Improve? Does Non-Compliance Worsen and Family Size is Key?

Figure 3

Table A.2
43 Regional Training Needs Assessment for the Santa Barbara Community

Table with 2 columns: Category and Value. Rows include: Total Training Needs (14,144), Total Training Needs (14,144), Total Training Needs (14,144), Total Training Needs (14,144), Total Training Needs (14,144), Total Training Needs (14,144), Total Training Needs (14,144), Total Training Needs (14,144), Total Training Needs (14,144), Total Training Needs (14,144).

Table A.3
43 Regional Training Needs Assessment for Amador County

Table with 2 columns: Category and Value. Rows include: Total Training Needs (14,144), Total Training Needs (14,144), Total Training Needs (14,144), Total Training Needs (14,144), Total Training Needs (14,144), Total Training Needs (14,144), Total Training Needs (14,144), Total Training Needs (14,144), Total Training Needs (14,144), Total Training Needs (14,144).

Table A.4
43 Regional Training Needs Assessment for Amador County

Table with 2 columns: Category and Value. Rows include: Total Training Needs (14,144), Total Training Needs (14,144), Total Training Needs (14,144), Total Training Needs (14,144), Total Training Needs (14,144), Total Training Needs (14,144), Total Training Needs (14,144), Total Training Needs (14,144), Total Training Needs (14,144), Total Training Needs (14,144).

Appendix B

SCORE AND METHODOLOGY

The scores for each of the 100 items are calculated based on the number of responses that are "Yes" or "Somewhat Yes" for each item. The scores are calculated based on the following formula: (Number of "Yes" responses + 0.5 * Number of "Somewhat Yes" responses) / Total number of responses.

Audit Objectives and the Methods Used to Address Them

Table with 2 columns: Audit Objective and Method. Rows include: 1. Determine if the agency has a written policy regarding the use of public funds. Method: Review of agency policies and procedures. 2. Determine if the agency has a written policy regarding the use of public funds. Method: Review of agency policies and procedures.

Responses to the Audit

Business, Consumer Services and Housing Agency

March 4, 2012
Marilyn, Director, Business Services
2275 Canyon Blvd, Suite 200
San Francisco, CA 94133

43 Regional Training Needs Assessment

Dear Ms. Marilyn:

Thank you for the information and documents provided in the audit regarding the 43 Regional Training Needs Assessment (RTNA) for the Business, Consumer Services and Housing Agency (BCHS).

The RTNA is a tool used to identify training needs for the agency. It consists of 100 items that are scored based on the number of "Yes" or "Somewhat Yes" responses. The scores are calculated based on the following formula: (Number of "Yes" responses + 0.5 * Number of "Somewhat Yes" responses) / Total number of responses.

The RTNA results show that the agency has a strong focus on training and development. The scores for most items are high, indicating that the agency is doing a good job of addressing training needs.

There are a few areas where the scores are lower, indicating that there may be some training needs that are not being fully addressed. These areas include: [List of specific items]

Overall, the RTNA results show that the agency is doing a good job of addressing training needs. There are a few areas where there may be some training needs that are not being fully addressed.

Department of Housing and Community Development

March 4, 2012
Marilyn, Director, Business Services
2275 Canyon Blvd, Suite 200
San Francisco, CA 94133

43 Regional Training Needs Assessment

Dear Ms. Marilyn:

Thank you for the information and documents provided in the audit regarding the 43 Regional Training Needs Assessment (RTNA) for the Department of Housing and Community Development (DHCD).

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Department of Finance

March 4, 2012
Marilyn, Director, Business Services
2275 Canyon Blvd, Suite 200
San Francisco, CA 94133

43 Regional Training Needs Assessment

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Fire Hazard Planning

General Plan Technical Advice Series





State of California

Edmund G. Brown Jr., Governor

Governor's Office of Planning and Research

Ken Alex, Director

Scott Morgan, Director, State Clearinghouse

Contributors:

Ben Rubin, Associate Planner, State Clearinghouse

Christopher Calfee, Senior Counsel, State Clearinghouse

Nathan Glover, Policy Intern, State Clearinghouse

Nelia Sperka, Planning Consultant

Fire Hazard Planning

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Introduction to Fire Hazard Planning

This planning guide is one in a series of technical advisories provided by the Governor's Office of Planning and Research (OPR) as a service to professional planners, land use officials, and [California Environmental Quality Act \(CEQA\)](#) practitioners. OPR issues technical guidance on issues that broadly affect the practice of CEQA and land use planning. The goal of this planning guide is to help provide a robust fire hazard mitigation program to California communities. Development and incorporation of effective policies in the General Plan as well as the integration of the General Plan with other relevant hazard reduction policies, plans, and mitigation activities are essential actions to achieve this goal. This advisory is designed to assist city and county planners in discussions with fire mitigation, preparedness, and response professionals for the purpose of developing effective fire hazard policies for the General Plan.

Because communities throughout California are varied and have different needs, the voluntary recommendations in this technical advisory are designed for a wide spectrum of uses and applications. The policy examples throughout the document are intended to highlight the suite of potential actions that local governments can take. Not all actions need to all be implemented for successful fire hazard mitigation. We encourage locals to review the document and select the recommendations most applicable for their community.

This advisory is organized in the following manner:

- 1) A summary of federal and state requirements that directly address fire hazard planning and mitigation, including Senate Bill 1241.
- 2) An overview of how policies related to fire safety may be developed to meet local needs and conditions.
- 3) An extensive list of specific issues related to fire hazard planning that local governments should consider when developing fire hazard policies to include in the General Plan.
- 4) Appendices including potential funding mechanisms, an inventory of informational resources related to fire hazard planning, and a list of fire hazard planning examples from communities throughout California.

Summary of Fire Hazard Planning Requirements for Local Governments

- In order to be eligible for FEMA mitigation project funding, local governments must adopt a Local Hazard Mitigation Plan, and then review and revise that plan every five years.
- In order to influence where and how federal agencies implement fuel reduction projects on federal land, as well as how additional federal funds may be distributed for projects on non-federal lands, local governments may develop Community Wildfire Protection Plans together with local, state and federal fire officials.
- Safety Elements of local general plans must be revised, upon the next update to the Housing Element, to address state responsibility areas and very high fire hazard severity zones. The revision must include information about wildfire hazards, as well as goals, policies, and objectives and feasible implementation measures for the protection of the community from the unreasonable risk of wildfire. (SB 1241; Government Code Sections 65302; and 65302.5.)
- Before approving a tentative subdivision map or parcel map within a state responsibility area or a very high fire hazard severity zone, a city or county must make certain findings. Those findings include that the subdivision is consistent with CalFIRE regulations and that fire protection and suppression services are available for the subdivision.

Background on Federal and State Requirements

Several federal and state requirements and resources that address fire hazard planning and mitigation are described in this section.

Disaster Mitigation Act of 2000

The Federal Disaster Mitigation Act of 2000 (DMA 2000) enacted a number of changes under Section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) related to pre-disaster mitigation, streamlining the administration of disaster relief, and controlling the costs of federal disaster assistance. These changes have collectively brought greater focus on pre-disaster planning and activities as a means for reducing response and post-disaster costs.

On February 26, 2002, an Interim Final Rule (IFR) (44 CFR Parts 201 & 206), to implement the DMA 2000, was published in the Federal Register. This IFR addressed state mitigation planning, identified new local mitigation planning requirements, authorized Hazard Mitigation Grant Program (HMGP) funds for planning activities, and the possibility of an increase in the percentage of HMGP funds available to states that develop a comprehensive, enhanced, State Hazard Mitigation Plan.

In accordance with the February 26th IFR and a further October 1st IFR, local governments must have a Local Hazard Mitigation Plan that is reviewed by the State Mitigation Officer and then approved by the Federal Emergency Management Agency (FEMA), prior to November 1, 2004, as this is a required condition of receiving FEMA mitigation project assistance. These Local Hazard Mitigation Plans must be revised, reviewed, and approved every five years.

According to the February 26, 2002 IFR, Section 201.6, local and tribal governments must include the following in their Local Hazard Mitigation Plans:

- A planning process
- A risk assessment
- A mitigation strategy
- A plan maintenance and updating process

Fire Safe Councils: A Planning Partner

Fire Safe Councils can play an important role in the development of Local Hazard Mitigation Plans.

The typical Council consists of state and federal fire agencies, local fire districts, businesses, local government, and local concerned citizens formed to enhance the effectiveness of fire protection. Some Councils have also combined with neighboring fire safe councils to develop countywide wildfire hazard mitigation plans.

Fire Safe Councils can provide an excellent resource to planners and elected officials in the development of the fire protection and prevention policies and implementation measures in the General Plan. OPR encourages the use of these Councils for both their expertise and as a means for expanding public participation in the General Plan preparation process.

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In addition, according to the February 26th IFR, a stated goal for FEMA is for state and local governments to develop comprehensive and integrated plans that are coordinated through appropriate state, local, and regional agencies, as well as non-governmental interest groups. Moreover, state and local governments are encouraged to consolidate the planning requirements for different mitigation plans and programs to the extent feasible and practicable.

Although the Local Hazard Mitigation Plan and the General Plan are not intended to be identical documents, much of the data and analysis requirements are similar, and it is essential that policies in one document are consistent with the policies in the other. OPR recommends that local governments work with and support the efforts of the local fire authorities, the CAL FIRE Unit Fire Plan and the Fire Safe Councils as a means to ensure effective and integrated wildfire mitigation programs. A description of Fire Safe Councils is presented in an informational box on the previous page.

National Cohesive Wildland Fire Management Strategy

In response to requirements of the Federal Land Assistance, Management, and Enhancement (FLAME) Act of 2009, the Wildland Fire Leadership Council (WFLC) directed the development of the National Cohesive Wildland Fire Management Strategy (Cohesive Strategy). The Cohesive Strategy is a collaborative process with active involvement of all levels of government and non-governmental organizations, as well as the public, to seek national, all-lands solutions to wildland fire management issues. The strategy is regionally-oriented, as well as science-based.

Three primary factors are identified as presenting the greatest challenges and the greatest opportunities for making a positive difference in addressing the wildland fire problems to achieve this vision.

1. *Restoring and maintaining resilient landscapes.* The strategy must recognize the current ecosystem health and variability of resilient landscapes from geographic area to geographic area, including climate change. Because landscape conditions and needs vary depending on local climate and fuel conditions, among other elements, the strategy will address landscapes on a regional and sub-regional scale.
2. *Creating fire-adapted communities.* The strategy will offer options and opportunities to engage communities and work with them to become more resistant to wildfire threats, and respond in the event of a wildfire emergency.
3. *Responding to wildfires.* This element considers the full spectrum of fire management activities and recognizes the differences in missions among local, state, tribal and federal agencies. The strategy offers collaboratively developed methodologies to move forward.

2010 California Strategic Fire Plan

The California Fire Plan is the state's road map for reducing the risk of wildfire. The Fire Plan is a cooperative effort between the [State Board of Forestry and Fire Protection](#) and the California Department of Forestry and Fire Protection. By placing the emphasis on what needs to be done long before a fire starts, the Fire Plan looks to reduce firefighting costs and property losses, increase firefighter safety, and to contribute to overall ecosystem health. The central goals that

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are critical to reducing and preventing the impacts of fire revolve around both suppression efforts and fire prevention efforts. Major components are:

- Improved availability and use of information on hazard and risk assessment
- Land use planning: Development of wildland and Wildland Urban Interface (WUI) protection policies, incorporating minimum key elements of a fire safe community, and promote the consolidation of project-level land use planning and wildland fire occurrence data
- Shared vision among communities and the multiple fire protection jurisdictions, including county-based plans and community-based plans such as Community Wildfire Protection Plans (CWPP)
- Establishing fire resistance in assets at risk, such as homes and neighborhoods
- Shared vision among multiple fire protection jurisdictions and agencies
- Levels of fire suppression and related services
- Post fire recovery

Community Wildfire Protection Plan (CWPP)

CWPPs are generally developed by local governments with assistance from state and federal agencies and other interested partners. This provides communities with a tremendous opportunity to influence where and how federal agencies implement fuel reduction projects on federal land, as well as how additional federal funds may be distributed for projects on non-federal lands.

The minimum requirements for a CWPP are:

- Collaboration. A CWPP must be collaboratively developed. Local and state officials must meaningfully involve federal agencies and other interested parties, particularly non-governmental stakeholders that manage land in the vicinity of the community.
- Prioritized Fuel Reduction. A CWPP must identify and prioritize areas for hazardous fuel reduction treatments on both Federal and non-Federal land and recommend the types and methods of treatment that, if completed, would reduce the risk to the community.
- Treatment of Structural Ignitability. A CWPP must recommend measures that homeowners and communities can take to reduce the ignitability of structures throughout the area addressed by the plan.

Three signatures are required to approve a CWPP:

- A representative of the applicable local government;
- The chief of the local fire department/district; and
- The state forester/fire warden.

Similar to Local Hazard Mitigation Plans, a CWPP will not be identical to the General Plan; however, some of the data and analysis included in both documents are similar. OPR recommends that local governments on the wildland-urban interface ensure that policies in all of its planning documents related to fire mitigation are consistent each in the other. Moreover, OPR recommends that wildfire hazard reduction policies be regularly reviewed and updated to

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ensure every community is operating under the most effective policies for the community based on development patterns, geography, and other local conditions.

Western Wildfire Risk Assessment

As part of the regional-based strategy, the Council of Western State Foresters and the Western Forestry Leadership Coalition (WFLC) has embarked on a wildfire risk assessment of all lands for the 17 western states and selected Pacific islands. This assessment is known as the “West Wide Wildfire Risk Assessment, or “WWA”. The WWA supports the science-based data to quantify the magnitude of the current wildland fire problem in the west and provide a baseline for quantifying mitigation activities and monitoring change over time. It will be used to facilitate national, regional, and state level strategic planning and policy discussions.

Senate Bill 1241 (Statutes of 2012, Kehoe)

There are many opportunities to address fire protection, fire prevention, and hazard mitigation in the General Plan, most obviously in the safety element which deals with all manner of natural and man-made hazards to life and property. Unfortunately, wildfire hazard is too often underplayed in the General Plan. California’s increasing population and expansion of development into previously undeveloped areas is creating more “wildland-urban interface” (WUI) issues with a corresponding increased risk of loss to human life, natural resources and economic assets associated with wildland fires. The changing climate, specifically the rising temperatures and increasing temporal variability of water availability, is substantially increasing wildfire risk in many areas.

To address the increasing “wildland-urban interface,” Senate Bill 1241 (Kehoe, Statutes of 2012) revised the safety element requirements for state responsibility areas and very high fire hazard severity zones (Government Code Sections 65302 and 65302.5). Specifically, during the next revision of the housing element on or after January 1, 2014, the safety element shall be reviewed and updated as necessary to address the risk of fire in state responsibility areas and very high fire hazard severity zones. SB 1241 requires that the review include the advice of this document, and the following (bill text below):

- 1) Information regarding fire hazards, including but not limited to, all of the following:
 - a. Fire hazard severity zone maps available from the Department of Forestry and Fire Protection.
 - b. Any historical data on wildfires available from local agencies or a reference to where the data can be found.

State Responsibility Areas

Public Resources Code (PRC) Section 4102 defines “state responsibility areas” (SRAs) to mean areas of the state in which the financial responsibility of preventing and suppressing fires has been determined by the State Board of Forestry and Fire Protection to be primarily the responsibility of the state.

Under existing PRC provisions, the Department of Forestry and Fire Protection (known as CAL FIRE) has the primary responsibility for preventing and suppressing fires in areas that the State Board of Forestry and Fire Protection has determined are SRAs.

These areas can be viewed at:
<http://myplan.calema.ca.gov/>

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- c. Information about wildfire hazard areas that may be available from the United States Geological Survey.
 - d. General location and distribution of existing and planned uses of land in very high fire hazard severity zones and in state responsibility areas, including structures, roads, utilities, and essential public facilities. The location and distribution of planned uses shall not require defensible space compliance measures required by state law or local ordinance to occur on publicly owned lands or open space designations of homeowner associations.
 - e. Local, state, and federal agencies with responsibility for fire protection, including special districts and local offices of emergency services.
- 2) A set of goals, policies, and objectives based on the information identified in subparagraph (1) regarding fire hazards for the protection of the community from the unreasonable risk of wildfire.
- 3) A set of feasible implementation measures designed to carry out the goals, policies, and objectives based on the information identified in subparagraph (2) including, but not limited to, all of the following:
- a. Avoiding or minimizing the wildfire hazards associated with new uses of land.
 - b. Locating, whenever feasible, new essential public facilities outside of high fire risk areas, including, but not limited to, hospitals and health care facilities, emergency shelters, emergency command centers, and emergency communication facilities, or identifying construction methods or other methods to minimize damage if these facilities are located in a state responsibility area or very high fire hazard severity zone.
 - c. Designing adequate infrastructure if a new development is located in a state responsibility area or in a very high fire hazard severity zone, including safe access for emergency response vehicles, visible street signs, and water supplies for structural fire suppression.

Very High Fire Hazard Severity Zones

Government Code (GC) Section 51177 defines "Very High Fire Hazard Severity Zones" to mean areas designated by the Director of Forestry and Fire Protection based on consistent statewide criteria and based on the severity of fire hazard that is expected to prevail in those areas. Very High Fire Hazard Severity Zones shall be based on fuel loading, slope, fire weather, and other relevant factors including areas where Santa Ana, Mono, and Diablo winds have been identified by the Department of Forestry and Fire Protection as a major cause of wildfire spread. <http://myplan.calema.ca.gov/>

Maps and FHSZ maps for each county are maintained by CAL FIRE. In addition, CAL FIRE has a list of cities for which it has made recommendations on Very High Fire Hazard Severity Zones. Please note that the recommendations are not the same as actual zones. Such zoning designations do not go into effect unless, and until, they are adopted by ordinance by local agencies. Local agencies are not required to report such zoning actions.

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- d. Working cooperatively with public agencies with responsibility for fire protection.
- 4) If a city or county has adopted a fire safety plan or document separate from the general plan, an attachment of, or reference to, a city or county's adopted fire safety plan or document that fulfills commensurate goals and objectives and contains information required pursuant to this paragraph.

Review and Adoption Process of Safety Element or Amendment to Safety Element

SB 1241 requires that the draft element of or draft amendment to the safety element of a county or a city's general plan be submitted to the State Board of Forestry and Fire Protection ("State Board") and to every local agency that provides fire protection to territory in the city or county at least 90 days prior to either: 1) the adoption or amendment to the safety element of its general plan for each county that contains state responsibility areas; or 2) the adoption or amendment to the safety element of its general plan for each city or county that contains a very high fire hazard severity zone as defined pursuant to subsection I of Section 51177. Local governments within the regional jurisdictions of the following councils of governments that contain state responsibility areas and/or very high fire hazard severity zones shall submit for review the safety element of its general plan to the State Board and every local agency that provides fire protection in accordance with the following dates, as specified, unless the local government submitted the element within five years prior to that date:

Council of Government	Housing Element Submittal Date
San Diego Association of Governments	April 30, 2013
Southern California Association of Governments	October 15, 2013
Association of Bay Area Governments	January 31, 2015
Fresno Council of Governments	December 31, 2015
Kern Council of Governments	December 31, 2015
Sacramento Area Council of Governments	October 31, 2013
Association of Monterey Bay Area Governments	December 15, 2015
All other local governments	June 30, 2014

According to SB 1241, the State Board shall, and a local fire service provider agency may, review the draft or an existing safety element and recommend changes to the planning agency within 60 days of its receipt regarding: 1) the land use and policy in state responsibility areas and very high fire hazard severity zones that will protect life, property, and natural resources from unreasonable risks associated with wildland fires; and 2) methods and strategies for wildland fire risk reduction and prevention within state responsibility areas and very high fire hazard

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severity zones. The board of supervisors of the county or the city council of a city shall consider the recommendations, if any, made by the State Board and any local agency that provides fire protection to territory in the city or county prior to the adoption of its draft element or draft amendment. If the board of supervisors or city council determines not to accept all or some of the recommendations made by the State Board or local agency, the board of supervisors or city council shall communicate its reasons for not accepting the recommendations to the State Board or the local agency in writing.

If the State Board's or local agency's recommendations are not available within the time limits required by this section, the board of supervisors or city council may act without those recommendations; however, the board of supervisors or city council shall take the recommendations into consideration the next time it considers amendments to the safety element.

Tentative Map Requirements for Local Governments that Contain State Responsibility Areas and Very High Fire Hazard Severity Zones

Government Code (GC) Section 66474.02, as added by SB 1241, requires that a legislative body of a county make three findings before approving a tentative map, or a parcel map for which a tentative map was not required, for an area located in a state responsibility area or a very high fire hazard severity zone. These findings are as follows:

- 1) A finding supported by substantial evidence in the record that the design and location of each lot in the subdivision, and the subdivision as a whole, are consistent with any applicable regulations adopted by the State Board of Forestry and Fire Protection pursuant to Sections 4290 and 4291 of the Public Resources Code.
- 2) A finding supported by substantial evidence in the record that structural fire protection and suppression services will be available for the subdivision through any of the following entities:
 - a. A county, city, special district, political subdivision of the state, or another entity organized solely to provide fire protection services that is monitored and funded by a county or other public entity.

Public Resource Code

Section 4290

Gives State Board power to regulate fire safety standards, including but not limited to:

- Road standards for fire equipment access.
- Standards for signs identifying streets, roads, and buildings.
- Minimum private water supply reserves for emergency fire use.
- Fuel breaks and greenbelts.

These regulations do not supersede local regulations which equal or exceed minimum regulations adopted by the state.

Section 4191

Defines and describes fire protection measures and responsibilities, including but not limited to:

- 100' Clearance around homes
- May require extension of clearance past property lines
- May require extension of clearance as needed for insurance
- Removal of dead/dying vegetation
- Vegetation removal around chimneys/stovepipes
- Exemptions and exceptions from code
- Updating public access to code requirements

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- b. The Department of Forestry and Fire Protection by contract entered into pursuant to Section 4133, 4142, or 4144 of the Public Resources Code.
- 3) A finding that to the extent practicable, ingress and egress for the subdivision meets the regulations regarding road standards for fire equipment access pursuant to Section 4290 of the Public Resources Code and any applicable local ordinance.

This section shall not supersede regulations established by the State Board or local ordinance that provide equivalent or more stringent minimum requirements than those contained in this section.

Note that the findings described above must be made in order to approve a tentative or parcel map. Even if the lead agency adopts a statement of overriding considerations pursuant to CEQA, the substantive requirements in the Government Code regarding fire protection must be satisfied.

Tribal Government Consultation

Additionally local governments must adhere to Government Code Section 65352.3 and the provisions of Senate Bill 18 (2004), requiring local governments to consult with Tribal Governments prior to amending the General Plan and to provide notice to tribes at certain key points in the planning process. These consultation and notice requirements apply to adoption and amendment of both general plans (defined in Government Code §65300 et seq.) and specific plans (defined in Government Code §65450 et seq.). Many activities related to fire hazard mitigation can impact tribal cultural sites and close coordination with Tribal Governments is imperative to protect such sites from permanent damage. In addition, Tribal Governments may have insight into fire mitigation practices that can be shared with local governments and fire professionals.

Development and Incorporation of Fire Hazard Policies in the General Plan

The discussion above described the various federal and state requirements related to fire hazard planning. This section describes how a local government can reflect those requirements in its own general plan.

In general, local governments have wide discretion in addressing locally important issues in the General Plan. The types of safety issues that concern each city or county may be very different; however, many rural and suburban communities recognize wildland fire hazard as a growing concern, exacerbated by climate change, population growth, and increasing demands on natural resources.

OPR's current *General Plan Guidelines* recommend that for every locally relevant issue, the local government should articulate one or more broad objectives, establish more specific policies

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that would help achieve those objectives, and finally, devise implementation measures (specific action items or funding programs) to implement the policies. Before starting this process, adequate and accurate data and information must be collected and analyzed to provide the basis for sound policy decisions. Below is a brief discussion on how policies related to fire safety may be developed to meet local needs and conditions.

Data and Analysis

Collection of appropriate data is necessary to describe the conditions, constraints, opportunities, and character of the issue. The data may include narrative descriptions, numerical data, maps, charts, and any other means of providing information about the issue of concern.

Fire and resource protection can be enhanced if the data and analysis portion of the plan describe the fire environment, projected future fire risk, and relevant communities' demographic data in detail:

- Fire history, slopes, fuel loadings, average/worst fire danger, rates of spread, potential for structural threat, access, ignition causes. Post-fire flood damage potentials could also be described.
- Temperature, seasonal water availability and precipitation, population growth, dominant vegetation changes and die-off, including the effects of climate change.
- Infrastructure fireproofing and vulnerability, fire rated roofing and construction material prevalence
- Dominant language spoken and social isolation, physical ability and health, access to transportation, undocumented community status, likelihood to have insurance (health and home), income.

Objectives, Goals and Policy Development

Objectives, goals, and policies are developed based on the information identified through data collection and analysis. Policies should be developed to be action-oriented (“shall” rather than “should”) and linked to city or county ordinances or other feasible implementation mechanisms. Goals and policies will vary between jurisdictions. The goals and policies included in this publication can be used for general plans but may be more suitable for inclusion in implementation plans, hazard mitigation plans, consolidated fire codes, or other local plans, ordinances and codes that implement the overall goals and policies of the general plan.

Every aspect of an issue identified through data collection and analysis should be addressed by a policy, goal or objective. For example, if fuel loading was identified in the data and analysis section as an issue of concern, a statement(s) to the effect that development will be designed or controlled to reduce the volume should be incorporated into the safety element. If access was identified as a problem, a policy to improve road design, public transportation, or emergency assistance should be included.

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State planning law requires consultation with California Native American Tribes during the local planning process for the purpose of protecting Traditional Tribal Cultural Places. Tribes may have unique knowledge that allows for the protection of cultural places while also allowing for fire mitigation and suppression.

For purposes of consultation with tribes, as required by Government Code Sections 65352.3 and 65562.5, the Native American Heritage Commission (NAHC) maintains a list of California Native American Tribes with whom local governments must consult. The NAHC's "California Tribal Consultation List" provides the name, address, and contact name for each of these tribes; and telephone, fax and email information if available. The tribal contact list is developed and maintained by the NAHC, under authority granted in Government Code Sections 65092, 65352 and 65352.3. Prior to initiating consultation with a Tribe, the city/county must contact the NAHC for a list of Tribes to consult with. For questions about the list, please contact the NAHC at www.nahc.ca.gov. OPR developed [Tribal Consultation Guidelines](#) to provide information on how and when to conduct consultation with California Native American Tribes.

Implementation Measures

Implementation measures are the steps or actions that local governments will take to carry out their defined policies. Each policy described should have at least one implementation measure, and, often times, a policy may have several implementation measures.

Fire mitigation policies can be implemented in a variety of ways. For example, Government Code (GC) Section 65564 requires that every local open-space plan contain an "action program consisting of specific programs which the legislative body intends to pursue in implementing its open-space plan." Fire mitigation policies could be implemented through this action program with regards to fuel break/fuel reduction programs within designated open-space areas. Additionally, GC section 65910 requires each city and county to "prepare and adopt an open-space zoning ordinance consistent with the local open-space plan." Again specific fire hazard mitigation policies may be implemented through a variety of local ordinances, codes, plans and actions that are

Climate Impacts on Forests

Climate influences the structure and function of forest ecosystems and plays an essential role in forest health. Climate change is projected to alter the frequency and intensity of forest disturbances, including wildfires, storms, insect outbreaks, and the occurrence of invasive species. In addition, the productivity of forests could be affected by changes in temperature, precipitation and the amount of carbon dioxide in the air.

In conjunction with the projected impacts of climate change, forests face impacts from land development, suppression of natural periodic forest fires, and air pollution. The combined impact of these different factors is already leading to changes in our forests. Some of the valuable goods and services provided by forests may be compromised as these changes are likely to continue in the years to come.

Land managers are taking steps to minimize the impacts of existing ecosystem stressors, such as habitat fragmentation, pollution, invasive species, insect infestations, and wildfire, to increase the resilience of forests to climate change. Moreover, the U.S. Forest Service has developed a [National Roadmap for Responding to Climate Change](#) ("Roadmap") that outlines how to apply adaptive management principles to forest and grassland management. OPR recommends that cities and counties that are required to update their safety elements per SB 1241 review the Roadmap and include principals that are tailored to impacts occurring or anticipated to occur within their area.

suitable for their general plan and local conditions and resources. .

Considerations When Developing Fire Hazard Policies for the General Plan

This section addresses the specific issues related to developing fire hazard policies for the General Plan. For each type of condition addressed, the subsection identifies the elements of the General Plan that may be impacted, relevant data and analysis followed by examples of policies which may address issues and conditions identified.

The policy examples included vary in range of scope and level of detail. Additional guidance is provided in the *Related Planning and Regulatory Tools for General Plan* section of the Appendix on how these policies can be further addressed in specific plans, zoning, and development agreements. The following subsections are not organized in any particular order and each plays an integral part in fire hazard mitigation planning. Local governments should develop and implement fire hazard policies in their General Plan that are relative to the local conditions.

FIRE HAZARD - ALL AREAS

Fires are regular occurrences in California and mitigation opportunities exist at all stages including before, during, and after a fire event. This subsection includes general considerations for prevention, protection and fire loss mitigation. Subsequent subsections address special considerations for wildland-urban interface and urban areas.

Values and Assets at Risk from Wildfire

Possible affected GP Elements:

- Safety
- Housing
- Land Use
- Conservation
- Open Space
- Circulation (critical infrastructure)
- Air Quality^{1*}

Data & Analysis: Below is a list of data that may be useful in establishing a current picture of the values and assets at risk, which may be affected by wildfire. Values and assets refer to accepted principals or standards and any constructed or landscape attribute that has value and contributes to community or individual wellbeing and quality of life. Examples include property,

¹Air quality is a generally an optional element for local governments. AB 170 (Reyes, 2003) requires each city and county within the jurisdictional boundaries of the San Joaquin Valley Air Pollution Control District to either adopt an air quality element or amend appropriate elements of their general plan to include data and analysis, comprehensive goals, policies, and feasible implementation strategies to improve air quality.

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structures, physical improvements, natural and cultural resources, community infrastructure, commercial standing timber, ecosystem health, and production of water.

Check with the local [California Department of Forestry and Fire Protection \(CAL FIRE\) Unit](#) for California Fire Plan information with regards to values and assets at risk.

- Identify values and assets at risk such as:
 - Recreational areas
 - Scenic areas
 - Ecologically significant areas
 - Critical watersheds
 - Public and private timberland
 - Wildlife habitat
 - Rangelands
 - Sensitive soils
 - Landslide prone areas
 - Cropland
 - Water supplies
 - Watersheds prone to contribute to flooding
 - Air quality
 - Historic sites
 - Cultural sites
 - Tourism sites
 - Emergency shelters
 - Structures, such as homes and business
 - Utilities and accompanying infrastructure
 - Population and economic centers
- Classify values and assets based on their vulnerability to wildfire:
 - Evaluate the identified values and assets based on economic and social value to the community and replacement value.
 - Prioritize the values and assets for assisting in the selection of mitigation efforts and development of fire response plans. Prioritization can be accomplished in a variety of ways: most difficult or expensive to replace, most necessary for communities (especially vulnerable members of the community), easiest to protect, broadest benefit to community, closest to urbanized areas and any other priority system that may be relevant to the community.
 - Additional data and analysis may be appropriate based on local conditions and geographic circumstances.

Policy Examples: Based on the data, analysis and prioritization of the local values and assets, policies should be developed appropriate for local conditions to mitigate potential losses due to wildfire. In developing appropriate local policies to protect values and assets, which may be at risk in the event of a wildfire, several key areas need to be considered including but not limited to, cost of protection/mitigation, ability to protect resources or mitigate the threat, and the consequences of losing the resource to the community.

The following are examples of policies that a local government might adopt to mitigate damage to values and assets related to a wildfire:

- Avoid, where feasible, approving new development in areas subject to wildfire risk. If avoidance is not feasible, condition such new development on implementation of measures to reduce risks associated with that development.

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- Establish site-specific safety measures to protect local resources from wildfire (all prevention and mitigation measures should be tailored to dominant local ecosystem, geography, community, and firefighting resources and capabilities).
- Public and private landowners shall implement site specific safety measures that mitigate to a low risk condition fire hazards around local resources.
- Local agencies shall work cooperatively with other agencies and private interests to educate private landowners on fire-safe measures to achieve a low risk condition.
- Public and private funding, where available shall be used to the greatest extent practical to assist private landowners in implementing safety measures to achieve a low risk condition.
- Using best available science, plan for future fire risk as a result of climate change or other factors and alert public and private landowners in future risk areas

Water Supply

Possible affected GP Elements:

- Safety
- Conservation
- Circulation

Data & Analysis: Below is a list of data that may be useful in establishing a current picture of water supplies related to wildfire suppression.

- Review [National Fire Protection Association \(NFPA\) Standard 1141](#).
- Identify existing peak load water supply including private water supplies which might be used to fight wildfires.
- Determine current minimum peak load water supply necessary to serve the area.
- Project future peak load water supply and demand
- Evaluate the adequacy of the water delivery system.
- Identify and price potential improvements to the water supply to meet the current and projected identified need.
- Identify peak load water supply requirements necessary to avoid unacceptable risks.
- Evaluate cost benefit analysis of additional water storage with regards to wildfire suppression.
- Coordinate with water agencies regarding existing and future water supply.
- Coordinate with fire agencies regarding existing and planned service areas and capacity.

Policy Examples: Based on the data and analysis of the hazards, risks and vulnerabilities, associated with water supply, policies should be developed appropriate for local conditions to ensure access and availability of water supply in case of a wildfire. Issues which policy makers may wish to consider include, but are not limited to, protecting existing water supplies, developing additional water supplies and maintaining and/or enhancing the integrity of the delivery systems.

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The following are examples of policies that a local government might adopt with regards to water supply and fire hazards:

- Maintain adequate water supplies to provide reasonable protection of assets from wildfire without disruption to community water supplies.
- Implement Office of Emergency Services URAMP software program.
- Adopt a specific water supply standard such as NFPA 1142, “Rural Water Supplies” and require developers and property owners to certify compliance with that standard and continue maintenance and availability of that water supply.
- Each property outside of a developed water system shall maintain sufficient usable water storage to provide wildfire and structure protection on the property.
- Plan for changes in future water supply, quality, and availability.

Emergency Services

Possible affected GP Elements:

- Safety
- Circulation
- Land Use
- Open Space
- Conservation
- Housing
- Air Quality*

Data & Analysis: Below is a list of data that may be useful in establishing a current picture of emergency services and response related to wildfire.

- Identify the LAFCo approved service areas of emergency services including, but not limited to fire, police, and emergency response vehicles.
- Review the LAFCo Municipal Service Review (MSR), if completed, for the emergency services in the area. If no MSR is available, undertake your own review of the services including cost, municipal service level, response time, condition of existing facilities and vehicles, local delivery system and other relevant information.
- Identify and map existing and proposed emergency service facilities.
- Identify areas where emergency services are not readily available.
- Determine the projected need for emergency services in the area.
- Identify areas of special emergency service needs.
- Determine areas of low resilience and adaptability
- Make emergency service information available in dominant language of community
- Based upon the LAFCo MSR and any other related information, evaluate the adequacy of existing emergency services and demand for additional services for current and projected need in the area.

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Policy Examples: Based on the data and analysis of local emergency services, policies should be developed appropriate for local conditions to mitigate potential losses due to wildfire. Issues which policy makers may wish to consider include, but are not limited to, mutual aid and other protection/response partnerships, needed/desired emergency service levels, available resources to sustain the desired level of emergency services, the cost of maintaining protection measures, reasonable supplemental funding mechanisms, public awareness of emergency service levels, protection capability relative to growth and development, and centralized versus decentralized training opportunities.

The following are examples of policies that a local government might adopt with regards to emergency services:

- No development shall be approved unless the local government can make a finding that development can be reasonably accessed and served in the case of a wildfire.
- New development and subdivisions shall include appropriate emergency facilities to assist and support wildfire suppression.
- Fire safe measures shall be commensurate with the response time for emergency services (e.g. longer distance to a fire department calls for more stringent mitigation measures).
- Communities and open space areas shall provide a one quarter mile fuel modification zone for areas suitable for emergency protective services.
- Fire Districts/Departments are advised to engage in wildland fire training with a recognized state or federal wildland fire agency at least once a year.
- All new fire district/department staff responsible for fire suppression activities could receive an adequate number of training hours in local terrain during their first year.
- Local government shall identify and/or construct a low risk fire safety area (location) where community members can evacuate to and wait until emergency service providers can reach them. The local government shall annually review the adequacy and accessibility of the fire protection infrastructure relative to growth and development.
- The local government shall consider the long-term maintenance needs of emergency service equipment and facilities when developing its annual budget.
- Public and private property owners will receive information and instruction on fire rated roofing and construction materials and vegetation management.
- Assistance will be made available for fire rated roofing and construction materials and vegetation management.

Emergency Evacuations

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Possible affected GP Elements:

- Safety
- Circulation
- Land Use
- Open Space
- Housing

Data & Analysis: Below is a list of data that may be useful in establishing a current picture of local need and potential response strategies for emergency evacuations related to wildfire:

- Identify previously designated emergency evacuation routes.
- Identify the number of people who currently use these routes.
- Develop a projected increase of people who would need to use these routes over the next ten years.
- Develop a projected increase of people who will need to use new routes.
- Identify potential circulation improvements necessary to avoid unacceptable community risks.
- Evaluate the availability, intelligibility, and accessibility of signed routes for use by evacuees and response vehicles during a fire emergency.
- Identify potential availability of alternate routes.
- Identify the adequacy of the access and evacuation routes relative to the degree of development or use (e.g., road width, road type, length of dead-end roads, turnouts, etc.) (Public Resources Code (PRC) 4290.)
- Identify the accessibility of evacuation routes to differently abled, chronically ill, elderly, pregnant, socially isolated, and non-English-speaking persons.
- Evaluate the potential for disruption to evacuation routes from fire, landslide movement, fault ruptures, earthquake-triggered failures, volcanic eruption and other hazards.
- Identify the location and capacity of existing emergency shelters.
- Estimate the need for expanded capacity at existing shelters or the need for additional emergency shelters. Shelter needs include residents, workers, undocumented residents, campers, tourists, differently abled, elderly, pregnant, young, non-English-speaking and other people reasonably expected in the area.

Policy Examples: Based on the data and analysis of various scenarios for emergency evacuations at the local level, policies should be developed appropriate for local conditions. Issues which policy makers may wish to consider include, but are not limited to, the cost for retrofitting evacuation routes relative to sheltering in place, public awareness of evacuation routes, maintain the availability of evacuation routes and unique conditions relative to specific land uses or special needs populations.

The following are examples of policies that a local government might adopt with regards to emergency evacuations:

Fire Hazard Planning

- Designate and maintain safe emergency evacuation routes on publically maintained roads for all communities and assets at risk.
- Establish a unified and accessible road signing and street addressing system.
- Identify low risk fire safety areas (location) and/or emergency shelters.
- Establish a public information program educating the public on evacuation routes and fire safety.
- Provide for broad public access to information regarding evacuation routes.
- Establish minimum road widths and flammable vegetation clearances for evacuation routes. (PRC Sections 4290 and 4291)

Firefighter Safety

Possible affected GP Elements:

- Safety
- Land Use

Data & Analysis: Below is a list of data that may be useful in establishing a current picture of firefighter safety related to wildfire.

- Identify existing defense zones.
- Identify low risk fire safety areas (location).
- Identify existing and alternate evacuation routes.
- Evaluate adequacy of existing defense zones.
- Evaluate need for additional defense zones to protect assets or communities at risk.
- Evaluate area to determine where it would be unsafe for ground firefighting.
- Designate and map updated defense zones.

Policy Examples: Based on the data and analysis of the hazards, risks and vulnerabilities, regarding firefighter safety, policies should be developed appropriate for local conditions. Issues which policy makers may wish to consider include, but are not limited to, ability to maintain safety areas and defense zone, the appropriateness of centralized or decentralized training and unique geographic considerations for fire fighters.

The following are examples of policies that a local government might adopt with regards to firefighter safety:

- Identify low risk fire safety areas (locations).
- Identify fire defense zones where firefighters can control wildfire without undue risk to their lives.
- Designate and publicize areas where firefighter safety prohibits ground attack firefighting.
- Maintain fire defense improvements on both public and private property.

Fire Effects (Minimizing Fire Loss)

Fire Hazard Planning

Possible affected GP Elements:

- Conservation
- Open Space
- Land Use
- Housing
- Circulation

Data & Analysis: Below is a list of data that may be useful in establishing a current picture of fire effects related to wildfire:

- Establish desired initial attack success rate.
- Identify maximum acceptable fire size.
- Determine which geographic areas would benefit from mitigation programs to reduce fire effects in the event of fire.
- Estimate cost of treatment methods and compare to cost of suppression.
- Estimate cost to community of fires, including community income, insurance, adaptability, and resilience.
- Determine which mitigation measures should be used in each geographic area to accomplish fuel modification and reduce fire risk. The following are possible choices:
 - Education
 - Increase initial attack capability
 - Prescribed Burns
 - Wildfire protection zones
 - Forest thinning
 - Grazing

Policy Examples: Based on the data and analysis of the hazards, risks and vulnerabilities with regards to fire effects, policies should be developed appropriately for local conditions. Issues which policy makers may wish to consider include, but are not limited to, treatment costs verses suppression costs; cost, benefits and opportunities for mitigation at the parcel level verses the landscape level; cost to replace a community asset; impact of an irreplaceable community asset; the potential impact of mitigation measures on areas of special concern (cultural, environmental); and, fixed fire defense opportunities versus land management opportunities.

The following are examples of policies that a local government might adopt to mitigate fire effects:

- Forest thinning, grazing, and hand or mechanical clearing shall be conducted in lieu of prescribed fire unless prescribed fire can be clearly shown to provide the greatest overall benefit.
- Establish and maintain a plan that identifies hazards and risks, targeted priority areas, and preferred vegetation/fuel treatment methods and timing.
- Fire rated roofing and construction materials shall be allowed pursuant to Section 703.1 of the California Fire Code.

FIRE HAZARD - WILDLAND AREAS

In addition to the areas of concern listed in the “Fire Hazards-All Areas” section, the following should be considered when developing policies specifically related to wildland areas.

Fuel Modification

Possible affected GP Elements:

- Safety
- Land Use
- Open Space
- Conservation

Data & Analysis: Below is a list of data that may be useful in establishing a current picture of fuel modification in wildland areas related to wildfire. In order to identify the local areas at risk with regards to fuel modification, collect and analyze the following:

- Identify and classify very high fire hazard severity zones based on:
 - Degree of development
 - Fuel loading
 - Weather
 - Slope
 - Aspect
 - Accessibility to fire protection assistance (i.e., response time, availability of helispots, proximity of air tanker attack bases, availability of woods workers, etc.)
 - Proximity to communities or assets at risk
 - Historic fire data
 - Projected future fire vulnerability with changing growth patterns and considering the impacts of climate change
 - Shifting plant community composition
 - Other pertinent information and maps (see GC Sections 51178-51189.5, PRC Sections 4201-4205 and http://www.fire.ca.gov/fire_prevention/fire_prevention_wildland_zones.php)
- Analyze the potential for fire to critically impact or eliminate habitats or open-space areas.
- Identify the policy implications for fire safe or fuels reduction policies of both public and private conservation of open-space areas.
- Prioritize applicable areas needing vegetation/fuel treatment by:
 - Identifying maximum acceptable fire size.
 - Estimating costs of treatment methods.
 - Developing timeline for implementation and maintenance of fuels treatments.
 - Evaluating how treatment methods impact habitat, wildlife, natural, cultural, and open space resources and floodplains.

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Policy Examples: Based on the data and analysis of the hazards, risks and vulnerabilities with regards to fuel modification, policies should be developed appropriate for local conditions to mitigate potential losses due to wildfire. In addition to the issues discussed in “Fire Hazards - All Areas,” policy makers may wish to consider other issues unique to wildland fires including, but are not limited to, acceptable level of fire risk, the degree of consistency and coordination between federal and private landowner fuel modification activities, the variety of fuel modification techniques and public awareness and ability to comply with residential clearance policies.

The following are examples of policies that a local government might adopt with regards to fuel modification to mitigate fire hazards in wildland areas.

- Prior to the construction of any structure, whether residential, recreational, or commercial, a site specific fuel mitigation plan shall be prepared. The location and development of any road, or any other man-made structure that may act as a fuel barrier, shall be done in consideration of its maximum benefit as a fuel barrier/fire break. The plan shall cover the entire parcel and include measures for modifying fuel loading prior to development and a plan to maintain that protection over time.
- All residences shall comply with the fuel modification requirements of PRC Section 4291, whether located in state responsibility or local responsibility areas.
- Plant community shall be monitored for changing fire risk.
- Forest thinning and grazing and hand or mechanical clearing shall be conducted in lieu of prescribed fire unless prescribed fire is clearly shown to provide the greatest overall benefit.
- County resources will work with landowners to assist in choosing the best method of fuel reduction.
- Fire districts shall establish desired initial attack success rate.
- Evaluate how methods impact habitat and open space resources and floodplains.
- Identify preferred methods for areas needing treatment:
 - Education
 - Increase initial attack capability
 - Prescribed fire
 - Planting low-risk vegetation
 - Wildfire protection zones
 - Forest thinning
 - Grazing
 - Mechanical clearing
 - Hand clearing (piling, burning/chipping)

FIRE HAZARD - URBAN INTERFACE AREAS

In addition to the areas of concern listed in the “Fire Hazards-All Areas” section, the following should be considered when dealing with urban interface areas.

Urban Interface Hazards

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Possible affected GP Elements:

- Land Use
- Housing

Data & Analysis: Below is a list of data that may be useful in establishing a current picture of fire hazards in the Urban Interface. The purpose of the collection and analysis of the following data is to determine areas containing hazards, risks, and vulnerabilities in the Urban Interface.

- Check the list of “Communities at Risk” per the National Fire Plan (see [Communities At Risk List](#)).
- Check “high fire hazard severity zones” maps. (GC Section 51178, see maps at [CAL FIRE - Fire Hazard Severity Zones Maps](#) and check with local governments for updates).
- Update “high fire hazard severity zones” maps as necessary.
- Inventory and prioritize your assets at risk (public and private).
- Undertake cost/benefit analysis of various hazard mitigation measures as opposed to fire suppression.
- Establish low risk category standards (tree spacing, predicted surface fuels flame length to crown height ratios, etc.).

Policy Examples: Based on the data and analysis of the hazards, risks and vulnerabilities, policies should be developed appropriate for local conditions to mitigate potential losses due to wildfire.

In addition to the issues discussed in Fire Hazards – All Areas, urban interface areas may require consideration of other conditions including construction and zoning requirements, impact of permanent residents vs. seasonal and undocumented residents, and maintenance of mitigated areas.

The following are examples of policies that a local government might adopt to mitigate fire hazards in the urban interface:

- Public and private landowners shall minimize the risk of wildfire moving from one property to adjacent property through fire rated roofing and construction materials and vegetation management.
- Public landowners shall provide a minimum of a one quarter mile defensible fuel profile (buffer zone) at property lines and near points of special interest.
- Public landowners shall implement safety measures that result in a low risk category designation for wildfires threatening the urban interface.
- County agencies shall work cooperatively with other agencies and private interests to educate private landowners on fire-safe measures to implement in order to achieve a low risk category designation.
- Public and private funding for fire risk hazard reduction shall be prioritized to assist private landowners in implementing safety measures for a low risk designation.
- All residential, commercial and industrial construction and development will comply with the Board of Forestry’s State Responsibility Area Fire Safe Regulations (see California Code of Regulations, Title 14, Sections 1270 et seq.) relating to roads, water, signing and fuel modification.

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- Public and private property owners shall maintain property in a low risk category (PRC Section 4291 and GC Section 51182).
- Landowners shall maintain minimum defensible space from all structures or improvements on their property and work with neighbors and local government to address defensible space within 100' of structures that lies on adjacent property.
- The county shall work to facilitate agreements to provide fuel reduction efforts between public and private ownership's where recommended clearances extend onto public lands. This will require collaboration with USFS.

FIRE HAZARD - URBAN AREAS

In addition to the areas of concern listed in the "Fire Hazards-All Areas" section, the following should be considered when dealing with urban areas.

Fuel/Structure Modification

Possible affected GP Elements:

- Safety
- Land Use
- Open Space
- Conservation
- Housing

Data & Analysis: Below is a list of data that may be useful in establishing a current picture of fuel and structure modifications in urban areas related to wildfire.

- Identify and classify fire hazard severity areas.
- Evaluate age, condition, and size of structures (code related issues).
- Evaluate use and occupancy of structures.
- Evaluate construction materials and roofing assemblies.
- Evaluate structure density.
- Evaluate access and evacuation routes.
- Evaluate vegetation management capabilities.
- Evaluate historical fire data.
- Evaluate projected future fire risk.
- Evaluate other pertinent information (maps).
- Evaluate landscaping as potential fire hazard.
- Evaluate neighborhood defensible space (island of safety).
- Identify fire protection jurisdictions.
- Evaluate use of open space and other facilities as part of overall fire protection/mitigation plan.
- Inventory urban forests and evaluate affect with regard to fire hazard.

Policy Examples: Based on the data and analysis of the hazards, risks and vulnerabilities with regards to fuel/structure modifications, policies should be developed appropriate for local

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conditions to mitigate potential losses due to fire. In addition to the issues discussed in “Fire Hazards – All Areas”, urban areas may require the consideration of other conditions including construction and zoning requirements, impact of permanent residents versus seasonal and undocumented residents, maintenance of mitigated areas, access routes, and acreage of open space and/or areas having wildland fuel characteristics versus wildfire response capability. The following are examples of policies that a local government might adopt to mitigate fire hazards in urban areas.

- Urban developments shall be planned and constructed to resist the encroachment of uncontrolled fire.
- Create a self-assessment district to maintain a fuel modification program.
- Establish public education services through the appropriate fire protection agencies.
- Plan, design, and place open space facilities to provide for fire protection/mitigation.
- Require structures with fire protection sprinkler systems to provide for outside alarm notification.
- In high fire hazard areas fire rated roofing and construction materials shall be used in reconstruction and new development pursuant to Section 703.1 of the California Fire Code.
- Maintain open spaces so that ground fuels do not promote the spread of wildfire and aerial fuels do not allow the spread of a fire through the tree canopy.
- Public Open Spaces shall be used as demonstration areas and examples to neighborhood residents.
- Create an urban forestry plan to be consistent with the local fire plan.

POST EVENT RECOVERY AND MAINTENANCE

The Recovery and Maintenance phase is an opportunity for the community and landowners to reevaluate land uses and practices. A current General Plan or Local Hazard Mitigation Plan will usually have the baseline data which to make the analysis.

Short-Term Recovery: Directly Related to Impacts of Fire

Possible affected GP Elements:

- Land Use
- Open Space
- Conservation
- Housing

Data and Analysis: Below is a list of data that may be useful in establishing a current picture of short-term recovery possibilities related to impacts of a wildfire.

- Evaluate post-fire fuel hazard ratings.
- Evaluate post-fire air, water, and soil quality.
- Evaluate fire impacts on community health and wellbeing.
- Evaluate fire impacts on air quality and greenhouse gas emissions.
- Evaluate fire impacts on infrastructure.
- Evaluate fire impacts on ecological community.

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- Monitor water table and precipitation to analyze risk of drought complicating recovery efforts.
- Evaluate vegetation/fuel conditions relative to future flood and fire control.
- Evaluate vegetation conditions relative to future fire conditions and wildlife habitat.
- Evaluate degree of success of fire risk reduction efforts.

Policy Examples: Based on the data and analysis, policies should be developed for short-term recovery methods that are appropriate for local conditions to mitigate potential future losses due to wildfire. Issues that public policy makers may choose to consider include but are not limited to, benefit of recommended measure commensurate with the protection needed, opportunities for re-introduction of native species, short-term recovery needs versus long-term environmental health, debris removal versus habitat health, and consider short-term flood risks and mitigation opportunities.

The following are examples of policies that a local government might adopt to mitigate wildfire impacts shortly after an event.

- Reduce post fire recovery time by replanting native species.
- Ensure fire protection measures enhance sustainability of restoration projects.
- Ensure reduced future fire risk by removing sufficient dead woody vegetation while retaining reasonable wildlife habitat (cross-link with water quality).
- Retain sufficient downed logs for erosion control as well as habitat maintenance.

Long-Term Opportunities and Maintenance

Possible affected GP Elements:

- Safety
- Land Use
- Open Space
- Conservation
- Housing

Data and Analysis: Below is a list of data that may be useful in establishing a current picture of long-term maintenance opportunities related to wildfire:

- Evaluate patterns and trends of local climate and how they relate to climate change in California.
- Evaluate patterns and trends of local ecological communities and vegetation.
- Identify endangered species, cultural and historic resources, and hazardous material conditions.
- Evaluate patterns and trends of development.
- Evaluate patterns and trends of population growth and demographic change.
- Evaluate long-term ability of community to manage vegetation, use fire-rated infrastructure, and evacuate in emergency situations.

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- Evaluate impacts, and potential impacts, of an event on availability and condition of infrastructure.
- Evaluate impact, and potential impacts of an event on environment and ecosystem, including primary, secondary, and tertiary impacts.
- Evaluate “Fire Plan” and Safety Element for adequacy.

Policy Examples: Based on the data and analysis of the long-term maintenance opportunities policies should be developed appropriate for local conditions to mitigate potential losses due to wildfire. Issues that public policy makers may choose to consider include but are not limited to, the extent to which existing land use designations are appropriate, the potential for the re-evaluation of community assets, the success of past mitigation measures, sustainability of recommended fire mitigation measures and assurance that mitigation measures are continued to be implemented.

The following are examples of long-term policies that a local governments could adopt to mitigate fire impacts.

- Design subdivisions and developments to exist in concert with the natural ecosystem and to promote forest health and stewardship.
- Periodically review trends and projections of future fire risk and fire risk reduction capabilities to ensure that mitigation measures are adequate.
- Natural surface water and moisture levels shall be maintained.
- Incorporate forecasted impacts from climate change into trends and projections of future fire risk and consideration of policies to address identified risk.
- Protect investment through reduction of fire risk.
- Extend defensible fuel profile zone agreements to subsequent landowners.
- Promote the opportunity to return to native plant species.
- Emergency response capabilities shall be maintained and improved to protect all members of the community.
- In high-risk wildland fire areas rebuild structures with a minimum 100’ setback (when feasible) from property lines.
- Residential dwellings will be rebuilt using best practice construction methods, materials, codes, and standards to reduce their susceptibility to wildfire.
- Periodically review fire history and lessons learned to ensure that mitigation measures are being managed to optimize effectiveness.

FLOOD HAZARD RELATED TO WILDFIRE (PRE- AND POST-FIRE)

Possible affected GP elements:

- Land Use
- Open Space
- Conservation
- Housing

Fire Hazard Planning

Data and Analysis: Below is a list of data that may be useful in establishing a current picture of flood hazards related to wildfire. In order to identify the local areas at risk from floods due to wildfire collect and analyze the following:

- Collect historical data on flooding, such as frequency and intensity.
- Collect data on projected effects of climate and land use change on flooding frequency and intensity.
- Collect data on soil moisture, erosion and permeable surface loss.
- Identify (map) areas within floodplains or subject to inundation by a 100-year flood and the 500-year flood (see <http://myhazards.calema.ca.gov/default.aspx>).
- Identify historic and future precipitation intensity using best available models and information.
- Determine and map areas that are potentially prone to flooding, and debris flow, following a catastrophic wildfire.
- Determine specific vulnerabilities within the identified flooding areas.

Policy Examples: Based on the data and analysis of the hazards, flooding risks, and vulnerabilities, appropriate local policies should be developed to mitigate potential losses due to wildfire. Issues that public policy makers may choose to consider include but are not limited to, the need to re-asses an area after a wildfire to determine increased risk to flooding, and the cost and benefit associated with new mitigation measures regarding flooding due to wildfire. The following are examples of policies that a local government might adopt to mitigate flood hazards related to a wildfire:

- All wildfire burned areas shall be treated to control storm water runoff prior to winter rains.
- Wildfire areas shall be restored by planting native vegetation cover or encouraging the re-growth of native species using best practices as soon as possible to aid in control of storm water runoff.
- Potential for future flood hazard shall be reduced by sufficient removal of dead, woody vegetation along watercourses following a catastrophic fire to reduce the risk of future catastrophic fires.
- Fire hazard reduction measures should balance forest health with fuel reduction activities while considering the potential effect on flood management. Reduction in fire risk will simultaneously reduce flood risk.

LANDSLIDE HAZARD

Possible affected GP Elements:

- Conservation
- Open Space
- Safety

Data and Analysis: Below is a list of data that may be useful in establishing a current picture of landslide effects as a result of a wildfire. In order to identify the local areas at risk from landslides due to a wildfire collect and analyze the following:

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- Identify landslide prone areas from the [Division of Mines and Geology](#) and the [U.S. Geological Survey](#) landslide inventory and landslide and debris-flow susceptibility maps where maps exist.
- Identify areas which would be prone to landslides following a catastrophic wildfire.

Policy Examples: Based on the data and analysis of the hazards, risks and vulnerabilities with regards to landslides, appropriate local policies should be developed to mitigate potential losses due to wildfires and subsequent landslides. Issues that public policy makers should consider include but are not limited to, the extent to which the area is at risk to landslides due to wildfire, the need to adopt new mitigation measures, and the potential impact of mitigation measures on areas of special concern (cultural, environmental), and cost of mitigation vs. benefits.

The following are examples of policies that a local government might adopt to mitigate landslide hazards.

- All wildfire areas prone to landslides shall be treated to avert storm water runoff prior to winter rains.
- Native vegetation cover shall be planted and/or temporary slope stabilization measures will be installed as soon as possible to aid in landslide control.
- Potential for landslides shall be reduced by sufficient removal of dead, woody vegetation following a catastrophic fire.

PUBLIC HEALTH

Wildfires can impact the public health of a community. Specifically, the increased severity and frequency of wildfires and length of the fire season may result in additional injuries and deaths from burns and smoke inhalation, eye and respiratory illnesses and exacerbation of asthma, allergies, chronic obstructive pulmonary disease (COPD), illness from release of other toxins originating in inorganic burning material, and other cardiovascular diseases from air pollution (Lipsett et al., 2008; Pacific Institute, 2010).

Children, the elderly, and the chronically ill are at increased health risk from wildfire smoke. Increased incidence of wildfires can lead to evacuation, temporary displacement, and property damage. Risk of erosion and land slippage subsequent to fires can lead to temporary or permanent displacement and property damage or loss (CDPH, 2008; Pacific Institute, 2010). While an entire community can be at risk of these impacts, there are groups who are most sensitive to these impacts because of both intrinsic factors (e.g., age, health status, status as a smoker, race/ethnicity, and gender) and extrinsic factors (e.g., financial resources, knowledge, language, and occupation).

Possible affected GP elements:

- Safety
- Land Use

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- Housing

Data & Analysis: Below is a list of data that may be useful in establishing a current picture of wildfire impacts to a community's public health.

- Check the list of "Communities at Risk" per the National Fire Plan (see [Communities At Risk List](#)).
- Check "high fire hazard severity zones" maps. (GC Section 51178, see maps at [CAL FIRE - Fire Hazard Severity Zones Maps](#) and check with local governments for updates).
- Inventory and prioritize your assets at risk (public and private).
- Evaluate community access to fire safety information.
- Evaluate home insurance status in community.
- Evaluate physical and linguistic barriers to fire safety for communities.
- Evaluate use and occupancy of structures.
- Evaluate construction materials and roofing assemblies.
- Evaluate structure density.
- Evaluate access and evacuation routes.
- Evaluate projected future fire risk.
- Evaluate historical fire data.
- Evaluate other pertinent information (maps).
- Evaluate landscaping as potential fire hazard.
- Evaluate neighborhood defensible space (island of safety).
- Identify fire protection jurisdictions.

Policy Examples: The following are examples of policies that a local government might adopt to mitigate impacts to public health related to wildfires:

- Update existing emergency preparedness plans and conduct exercises to augment preparedness to better address local health impacts resulting from wildfires. Preparation should ensure completeness and availability of identified emergency supplies and resources, including but not limited to items such as medical supplies and services, water main repair parts, generators, pumps, sandbags, road clearing, and communication facilities. The effort should include identifying and cataloging the current supply and procuring additional items and services to ensure preparedness in the event of a wildfire emergency.
- Partner with existing public health community outreach and engagement efforts. An outreach program focused on vulnerable populations must identify the populations present in a given community, develop a plan to disseminate the information, and develop materials most appropriate for that population. Perhaps the most important step for a community is to identify dissemination networks (e.g., community-based organizations, local government, philanthropic organizations) that can reach residents susceptible to wildfires, people who live alone, the elderly, outdoor workers (including undocumented and migrant workers) and their employers, asthmatics, the differently abled, chronically ill individuals, and immigrants with literacy/language needs.

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ACRONYMS/ABBREVIATIONS

CAL FIRE – California Department of Forestry and Fire Protection

CEQA – California Environmental Quality Act

CWPP – Community Wildfire Protection Plan

DMA – Disaster Mitigation Act

FEMA – Federal Emergency Management Agency

FHSZ – Fire Hazard Severity Zone

FSC – Fire Safe Council

GP – General Plan

HFRA – Healthy Forest Restoration Act of 2003

HMGP – Hazard Mitigation Grant Program

IFR – Interim Final Rule

LAFCo – Local Area Formation Commission

MSR – Municipal Services Review

NFPA – National Fire Protection Association

OPR – Governor’s Office of Planning and Research

SRA – State Responsibility Area

URAMP – Utilities Regional Assessment of Mitigation Priorities

USDA – United State Department of Agriculture

WUI – Wildland-Urban Interface

POTENTIAL FUNDING MECHANISMS

Cal EMA / FEMA - Hazard Mitigation Grant Program (HMGP)

The HMGP program provides grants to states and local governments to implement long-term hazard mitigation measures after a major disaster declaration.

http://hazardmitigation.calema.ca.gov/grant_programs/hazard_mitigation_grant_program_hm_gp

California Air Resource Board CoolCalifornia Funding Wizard

The Funding Wizard is a tool supported through the Air Resources Board Cool California portal using funding provided by the Strategic Growth Council. The tool aggregates current federal, state, regional, foundation and other funding opportunities and allows entry of keyword search terms to identify possible funding for identified projects.

<http://www.coolcalifornia.org/funding-wizard-home>

California Department of Forestry and Fire Protection, Urban and Community Forestry Program

The Urban and Community Forestry Program provides grants to help expand and improve the management of trees and related vegetation in communities throughout California

http://www.fire.ca.gov/resource_mgt/resource_mgt_urbanforestry.php

Fire Safe California Grants Clearinghouse

The Fire Safe California Grants Clearinghouse is a one-stop shop that simplifies the process of finding and applying for grants to improve California's community wildfire preparedness. The Grants Clearinghouse is a program of the California Fire Safe Council (CFSC). It is an online grants application process that makes it easier to find and apply for wildfire prevention grants to support community projects.

<http://www.grants.firesafecouncil.org/>

Western Forestry Leadership Coalition

Formally established in 2000, The Western Forestry Leadership Coalition is comprised of 34 members from across the Federal and state agencies of the west who work together to assist family forest owners, rural and state fire organizations, and community forestry groups; improve forest health, encourage land conservation, and stimulate community economic recovery. The Coalition provides funding opportunities to address these issues.

<http://wflccenter.org/>

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FIRE PREVENTION/PREPAREDNESS ORGANIZATIONS

- **State of California**
 - **[California Department of Forestry and Fire Protection](#)**: The men and women of CAL FIRE are dedicated to the fire protection and stewardship of over 31 million acres of California's privately-owned wildlands. In addition, the Department provides varied emergency services in 36 of the State's 58 counties via contracts with local governments. The prevention of large, damaging fires remains a priority for CAL FIRE.
 - **[California Governor's Office of Emergency Services](#)**: Cal OES exists to enhance safety and preparedness in California through strong leadership, collaboration, and meaningful partnerships. Our mission is founded in public service. Our goal is to protect lives and property by effectively preparing for, preventing, responding to, and recovering from all threats, crimes, hazards, and emergencies.
- **Federal**
 - **[Federal Emergency Management Agency](#)**: FEMA's mission is to support our citizens and first responders to ensure that as a nation we work together to build, sustain, and improve our capability to prepare for, protect against, respond to, recover from, and mitigate all hazards.
 - **[US Forest Service](#)**: The mission of the USDA Forest Service is to sustain the health, diversity, and productivity of the Nation's forests and grasslands to meet the needs of present and future generations.
- **Nonprofit Organizations**
 - **[California FireSafe Council](#)**: The Council's intent is to bring together governmental agencies and corporations to provide education to the residents of California on the dangers of wildfires and how they can be prevented.
 - **[California Fire Science Consortium, Northern California Module](#)**: The CFSC is a network of fire science researchers, managers, and outreach specialists tasked with improving the availability and understanding of fire science and management knowledge. This includes increasing communication between fire researchers, managers, policymakers, tribes, landowners, and other stakeholders.
 - **[Firewise Communities](#)**: The Firewise Communities/USA Recognition Program provides a number of resources and action steps homeowners can utilize now to reduce their community's risk of potential wildfire damage.
 - **[Northern California Prescribed Fire Council](#)**: The Northern California Prescribed Fire Council is a venue for practitioners, state and federal agencies, academic institutions, tribes, coalitions, and interested individuals to work collaboratively to promote, protect, conserve, and expand the responsible use of prescribed fire in Northern California's fire-adapted landscapes.
 - **[Northern California Society of American Foresters](#)**: The Society is a national organization representing all segments of the forestry profession in the United States. It includes public and private practitioners, researchers, administrators, educators, and forestry students.

REVIEW AND UPDATE OF SAFETY ELEMENT CHECKLIST

REVIEW AND UPDATE OF SAFETY ELEMENT FOR STATE RESPONSIBILITY AREAS AND VERY HIGH FIRE HAZARD SEVERITY ZONES Information Requirements		
Information Regarding Fire Hazards (Section 65302 (g)(3)(A))		
	Page(s)	Comment(s)
Update to include information regarding fire hazards, including, but not limited to, all of the following:		
<ul style="list-style-type: none"> • Fire hazard severity zone maps from the Department of Forestry and Fire Protection 		
<ul style="list-style-type: none"> • Any historical data on wildfires available from local agencies or a reference to where the data can be found 		
<ul style="list-style-type: none"> • Information about wildfire areas that may be available from the United State Geological Survey 		
<ul style="list-style-type: none"> • General location and distribution of existing and planned uses of land in very high fire hazard severity zones and in state responsibility areas, including structures, roads, utilities, and essential public facilities* 		
<ul style="list-style-type: none"> • Local, state, and federal agencies with responsibility for fire protection, including special districts and local offices of emergency services 		
*The location and distribution of planned uses of land shall not require defensible space compliance measures required by state law or local ordinance to occur on publicly owned lands or open space designations of homeowner associations.		
Goals, Policies, and Objectives for the Protection of the Community from the Unreasonable Risk of Wildfire (Section 65302 (g)(3)(B))		
	Page(s)	Comment(s)
A set of goals, policies, and objectives based on the information pursuant to subparagraph (A) for the protection of the community from the unreasonable risk of wildfire		
Feasible Implementation measures designed to carry out the goals, policies, and objectives based on the information identified pursuant to subparagraph (B) (Section 65302 (g)(3)(C))		
	Page(s)	Comment(s)
A set of feasible implementation measures designed to carry out the goals, policies, and objectives based on the information identified pursuant to subparagraph(B) including, but not limited to, all of the following:		

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<ul style="list-style-type: none"> • Avoiding or minimizing the wildfire hazards associated with new uses of land 		
<ul style="list-style-type: none"> • Locating, when feasible, new essential public facilities outside of high fire risk areas, including, but not limited to, hospitals and health care facilities, emergency shelters, emergency command centers, and emergency communications facilities, or identifying construction methods or other methods to minimize damage if these facilities are located in a state responsibility area or very high fire hazard severity zone. 		
<ul style="list-style-type: none"> • Designing adequate infrastructure if a new development is located in a state responsibility area or in a very high fire hazard severity zone, including safe access for emergency response vehicles, visible street signs, and water supplies for structural fire suppression 		
<ul style="list-style-type: none"> • Working cooperatively with public agencies with responsibility for fire protection 		
<p>Attachment or Reference to Adopted Safety Plan or Document Separate from the General Plan (Section 65302 (g)(3)(D))</p>		
	Page(s)	Comment(s)
<p>If a city or county has adopted a fire safety plan or document separate from the general plan, an attachment of, or reference to, a city or county’s adopted fire safety plan or document that fulfills commensurate goals and objectives and contains information required pursuant to Section 65302 (g)(3)</p>		
<p>Consideration of Advice included in the Office of Planning and Research’s most recent publication of “Fire Hazard Planning, General Technical Advice Series” (Section 65302 (g)(3))</p>		
	Page(s)	Comment(s)
<p>The review shall consider the advice including in the Office of Planning and Research’s most recent publication of “Fire Hazard Planning, General Technical Advice Series”.</p>		

STATUTORY AND OTHER REQUIREMENTS OF THE PLAN(S)

ELEMENT	AUTHORITY	DESCRIPTION
California Fire Plan	PRC 4130	<p>A plan for adequate statewide fire protection of state responsibility areas shall be prepared by the board in which all land of each type shall be assigned the same intensity of protection.</p> <p>The CA Fire Plan is a statewide planning framework to assess wildland fire related conditions and apply appropriate pre-fire actions to reduce the costs and losses from wildfire. Currently adopted by OES as the State Hazard Mitigation Plan. Required by the CA BOF&FP to be updated by CDF every 5 years. The plan is built at the local level with significant input from federal and local government and stakeholders</p>
State Responsibility Area Review	PRC 4128.5	Requires the Board of Forestry and Fire Protection to review and adopt updates to State Responsibility Area (that area of the State where CDF has wildland fire protection responsibility), every 5 years
Board of Forestry & Fire Protection’s Fire Safe Regulations	PRC 4290	Regulations require that specific fire safe standards be met in the planning and development of a subdivision as well as the issuance of a building permit.
Building Standards	GC 51189	Authorizes the State Fire Marshal to adopt building standards for fire safety in Very High Fire Hazard Severity Zones, and to publish a model ordinance for structure defensibility.
California All Incident Reporting System	HSC 13110.5	Requires reporting to State Fire Marshal of all fire, emergency medical services, hazardous materials and

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ELEMENT	AUTHORITY	DESCRIPTION
		other fire department responses.
Fire Hazard Severity Zones	GC 51175-51179	Requires local jurisdictions to assess hazards and adopt fire prevention standards for defensible space within Very High Fire Hazard Severity Zones.
Firebreaks	PRC 4291	Requires firebreaks around structures in mountainous and forested areas.
Firebreaks	GC 51182	Requires firebreaks around structures in any mountainous area, forest-covered land, brush-covered land, grass-covered land, or any land that is covered with flammable material, which area or land is within a very high fire hazard severity zone.
FEMA Interim Final Rule: Disaster assistance: Hazard mitigation planning and Hazard Mitigation Grant Program	Disaster Mitigation Act of 2000	http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2002_register&docid=02-4321-filed.pdf

THE MANDATORY ELEMENTS OF THE GENERAL PLAN

This section is excerpted from the Guide to Fire Planning and the General Plan, developed by the Board of Forestry and Fire Protection and available in its entirety on their website: www.bofdata.fire.ca.gov.

[Section 65000](#) et. seq. of the Government Code is referred to as the Planning and Zoning Law. As described in the *General Plan Guidelines*, each general plan must contain the seven elements mandated by state law ([Section 65302](#)). A jurisdiction may adopt additional “optional” elements on topics which it deems necessary. All elements of the general plan have equal weight; no one element is superior to another. The general plan consists of objectives, policies, and diagrams that establish the county’s vision of its future pattern of land uses. The various parts of the general plan must be internally consistent (GC [Section 65860](#)), so that no portion of the general plan contradicts or undercuts another. Objectives, policies and diagrams, for example, must be consistent across the elements. Often, this is best served by avoiding redundant objectives and policies among the elements. The general plan is a policy document. It is not regulatory, so it depends upon local regulations such as zoning and subdivision ordinances for its implementation. Recognizing the primacy of the general plan, California planning law requires all counties and cities to approve zoning(*), specific plans, subdivisions, development agreements, and capital improvement projects only when consistent with the adopted general plan.

(*) except for certain charter cities

Six of the mandated elements (excluding the noise element) are briefly described below, along with comment on their importance to fire and resource protection, and sample evaluation criteria (see Figure 1).

Figure 1 – OPPORTUNITIES FOR FIRE AND RESOURCE PROTECTION IN GENERAL PLAN ELEMENTS

<u>ELEMENTS</u>	<u>OPPORTUNITIES</u>
Land Use	Greenbelts, Fuel Breaks, Fuel Reduction, Buffer Zones, Water Supply Requirements
Housing	Definition of Hazard Areas and appropriate mitigation for “Affordable Housing”.
Circulation	Strategic Access, Road Design, Helibases, Helispot, Evacuation Routes (ground and air), ingress/egress.
Conservation	Fuelbreaks, Fuel Reduction Zones, Additional Design Requirements for Development near Commercial Timber Zones (TPZ’s), Air Tanker Base Locations, Helibases and Helispots.
Open Space	Fuelbreaks, Fuel Reduction Zones, Strategic Access and Water Supplies, Off-Site Linking of Strategic Improvements.
Safety	Evacuation Routes, Water Supplies, Road Standards, Fuel Reduction Buffer Zones, Air Access, Definition of Hazard Areas and Mitigation Requirements,

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house and road signage.

i. Land Use

The Land Use element identifies lands for particular purposes. It designates the general development objectives and locations of various land uses such as commercial, industrial, residential, open space and agriculture. The major objective of the land use element is to establish a pattern of compatible uses.

Importance to Fire Hazard Planning:

Land use decision can create wildfire hazard problem areas. Wildfire hazard is not necessarily a fire problem as much as it is a land use issue. Wildfire hazard is a set of conditions, not necessarily a location. Even highly urbanized areas can have wildfire hazard, an example is the Oakland/Berkeley hills.

The Land Use element can help to reduce wildland and urban fire hazards by establishing objectives and policies that avoid or carefully plan development in fire hazard areas. These objectives and policies should be carried into the zoning and subdivision ordinances in the form of development standards. For example the Land Use element may establish policies related to buffer zones, adequate emergency access and egress, and other fire safe planning policies in areas within or adjacent to hazardous fire areas. The element may also identify high priority fire hazard areas that will be subject to these policies. Examination of the Land Use element in comparison with State Responsibility Area (SRA) and Local Responsibility Area (LRA) lands may show current or future conflicts with fire and resource protection. Since zoning districts are derived from land use designations, it is important to assure that those designations, policies, and ordinances are compatible with wildland protection. For example, Residential, Open Space, Agriculture, and Timber Preserve land uses could be designated to include fuel break and fuel reduction zones.

Sample Evaluation Criteria:

Does the Land Use element include wildland fire risks and hazards in the data and analysis section? Do policies include requirements to reduce hazard levels by various means? Are recreation areas (parks, golf courses) and agricultural uses (pastures, irrigated tree farms) located to provide “buffers” between development and wildlands?

ii. Housing

This element is required to designate how the government will meet its housing needs. It includes provisions for low income and special population needs.

Importance to Fire Hazard Planning:

Sample Evaluation Criteria:

Does the data and analysis section for this element describe vulnerable, unsafe areas for housing? Do the policies recognize these areas so that this type of development is prohibited there? (These issues may be better addressed in the Land Use element to avoid redundancy.)

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Are required construction standards in conflict with defined fire protection needs (access, roofing material and construction, fire flow)? If so, what compensating mitigation measures are required to provide safety?

iii. Circulation

This element consists of the general location of existing and planned transportation routes and public utilities. Designations, policies, and implementation measures in this element (and all others) must be correlated (consistent) with the Land Use element. The information is usually shown on maps or diagrams to show how the transportation system serves the various land use designations.

Importance to Fire Hazard Planning:

This is the primary designator of access routes and road design requirements (not engineering standards). GC [Section 14000](#) requires that the Circulation element provide transportation facilities that reduce hazards to human life and minimize damage to natural resources. This provides the opportunity to make strong recommendations about transportation routes and design requirements such as turn-outs, helispots, and safety zones.

Sample Evaluation Criteria:

Does the element plan for satisfactory access to/from high hazard areas? Are standards high enough to provide safe evacuation from residential (and other) land use designations? Are policies defined to limit the number and length of one-way roads? Are heliports and helispots designated in areas that will facilitate suppression and other emergency needs?

iv. Conservation

This element describes how the jurisdiction intends to protect and conserve its natural resources. The element should cover water, soils, forests, wildlife, and fisheries. Potential fire and flood impacts on all resources should be included to the extent that it is pertinent to the city or county.

Importance to Fire Hazard Planning:

Fire can severely damage or destroy forest and wildlife resources and adversely impact other resources as a result of erosion and other effects that follow the loss of forest cover. The Conservation element may establish objectives and policies for the conservation of these resources through reduction or avoidance of fire hazards. However, these objectives and policies may be more effective if located in the Land Use, Circulation, Open Space, or Safety elements and linked to regulatory requirements. This element ties to the CDF mission of protecting SRA lands as well as local fire agency protection of LRA lands and such lands should be taken into consideration when developing policies in this element.

Sample Evaluation Criteria:

Is the element consistent and logically applied, or does it just gather up unusable areas and “lump” them into a conservation category? Does the element discuss resource values? Are potential resource losses from fire (soil loss, sedimentation, local flooding, timber production,

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wildlife habitat, etc.) included in the data and analysis section? Do policies include management options of prescribed fire and fuelbreaks to enhance protection?

v. Open Space

This element designates areas for preservation and managed production of natural resources, outdoor recreation, and public health and safety (GC Section 65560(b)(4)). [Section 65560-4](#) of the Government Code dictates that the element should include designation of “areas that require special management because of fire risks.” The Code authorizes the connecting or linking of these areas into complete networks in the interest of public safety. Additionally GC section 65564 requires an action program to implement the requirements of the open-space element.

Importance to Fire Hazard Planning:

The Open Space element should identify areas of high fire hazard and establish objectives and policies to protect the public from those hazards. This may include policies relating to fuel breaks, fuel reduction zones, access, water availability, and fire safe standards. These policies should be carried over into the zoning and subdivision ordinances for implementation.

Sample Evaluation Criteria:

Does the element relate to fire safety and suppression effectiveness? Is it correlated with the Land Use, Safety, and Conservation elements to provide integrated and systematic resource and public protection improvement? Does the element contain policies requiring dedication, construction, and/or maintenance of these improvements on all projects?

vi. Safety

The Safety element defines community protection measures in relation to fires, floods, seismic and geological, and other hazards. It must include provisions for evacuation routes, water supply (for fire suppression), minimum road widths, and clearances around structures. It should include mapping of fire hazard severity zones, and could include analyses of minimum suppression resources required.

Importance to Fire Hazard Planning:

The Safety element can include policies establishing general project design standards to reduce hazard levels and provide a policy basis for fire protection requirements in zoning, subdivision, and strategic fire defense ordinances.

Sample Evaluation Criteria:

Does the element correlate with others to provide for the best and safest suppression actions? Does it recognize evacuation needs? Does it address the traditional suppression problems and include policies and implementation measures to eliminate those problems?

LEGAL ADEQUACY OF THE GENERAL PLAN

If any General Plan element (or elements) is judged legally inadequate, development approvals in the jurisdiction could be suspended until the deficiencies have been corrected. This is a powerful incentive to any jurisdiction to review its Plan for completeness and adequacy.

Formal review is a job for attorneys and the courts, but the following questions can be used as an informal or initial test to determine whether or not a General Plan is weak or strong in terms of legal adequacy.

- Is it complete? Are the seven mandatory elements included?
- Does each of the elements contain supporting data, analysis, policies and implementation measures?
- Is it internally consistent? Do elements, data, policies, and implementation measures fit together? Are there omissions, conflicts?
- Is it long-term in perspective? Does it plan for the population growth, development potential, and resource issues that the community will face in the foreseeable future (usually 20 years)?
- Does it address all locally-relevant issues? What does it say about fire? Does it include a strategy to deal with wildland protection and fire hazards?
- Does it meet statutory criteria? Do the Conservation, Open Space, and Safety elements provide for public safety and resource protection? Does the Land Use element define hazard areas and offer mitigation?
- Are maps and diagrams adequate? Can you tell where specific uses are authorized? Where restrictions apply? Are map and diagram descriptions in agreement with the General Plan text?

General Plans should be reviewed periodically to ensure that they continue to reflect current values and policies of the community, and that they contain accurate information about existing resources and hazards. If necessary, the General Plan should be revised or amended to remain current.

RELATED PLANNING AND REGULATORY TOOLS FOR GENERAL PLANS

California courts have placed General Plans “atop the hierarchy of local government law regulating land use.” It is clearly established that all other planning and development approvals are subordinate to the General Plan and must be consistent with the General Plan. All subdivisions, zoning decisions, specific plans, and public works projects must be consistent with the General Plan. On this basis, there are numerous planning tools that are used to implement the General Plan. Several commonly used tools are briefly described below to illustrate how fire

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safety can be incorporated into site specific, or project specific developments, as well as local ordinances.

1. Specific Plan

A Specific Plan is a tool for the systematic implementation of the General Plan within all or a portion of the county's planning area. It may encompass unlimited land area within the jurisdiction, may deal with only one or all policies in the General Plan, and may even delve into subjects that were not addressed in the General Plan if they are relevant to the community. At a minimum, the Specific Plan must include a text and diagram which specifies all of the following: (1) the proposed distribution, location and extent of all land uses including open space, (2) the proposed distribution, location, and extent of major components of the transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities that are needed to support the proposed land uses, (3) standards and criteria by which development will proceed and standards for the conservation and use of natural resources, and (4) a program of implementation measures including regulations, programs, public works projects, and financing measures to carry out the Specific Plan.

All principles, goals, objectives, policies, standards, and implementation measures of the Specific Plan must be consistent with the General Plan. Adoption of a Specific Plan is a legislative act similar to the adoption of the General Plan or zoning ordinance. It can be adopted by resolution or by ordinance and may be amended as often as necessary. All future public works projects, subdivisions, zoning actions and development activities within the planning area must be consistent with the Specific Plan.

A Specific Plan is particularly useful for planning large projects whose development may be phased over time. It can be used to assemble a set of land use specifications and implementation programs tailored to the unique characteristics of a particular site. Specific Plans can stipulate development timing or set a schedule for infrastructure improvements to solve problems like exposure to wildland fire hazard.

2. Subdivision Ordinance

Land cannot be subdivided for sale, lease or financing in California without local government approval. The Subdivision Map Act (GC [Section 66410](#), et seq.) establishes the basic subdivision procedures, while giving local government the authority to regulate the design and improvement of subdivisions, require dedications of public improvements, require payment of impact fees, and require compliance with the objectives and policies of the General Plan.

These regulatory powers can promote the usual array of land use, circulation, open space and safety element objectives, policies, and implementation measures. Regulation of subdivision design can encourage numerous General Plan objectives including wildland fire safety, through the requirement to address fire prevention measures such as emergency access, adequate infrastructure and facilities, and separation (buffers) between buildable lots and wildland areas, fuels reductions and fire protection measures such as residential sprinkler systems in homes abutting open space or where there is inadequate water for structure fire suppression. Local

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governments can also require dedication of public improvements and land (through fee title or easements) to serve the subdivision.

A tentative subdivision map or parcel map cannot be approved unless the city or county finds that the subdivision, together with design and improvement conditions, is consistent with all aspects of the General Plan or any applicable Specific Plan. Two (2) of the findings that can cause a subdivision to be denied are (1) that the site is physically ill suited for the proposed type or density of the development or (2) that the subdivision's design or improvements are likely to cause substantial environmental damage or cause public health or safety problems (GC [Section 66474](#)). These are important considerations for counties who are reviewing subdivision proposals in areas that are subject to wildland fire hazard.

3. Development Agreement

Development Agreements are contractual agreements voluntarily entered into by a city or county and a developer to vest development rights for a specific development project. They provide the developer with the advantage of “locking-in” zoning and development regulations for a specified time period, giving the developer a degree of assurance that some future local policy or regulation will not nullify a development proposal. In exchange, the Development Agreement allows the local jurisdiction to obtain additional concessions from the developer, such as higher design standards or dedication of additional public facilities, or otherwise obligate the developer to provide improvements in excess of the usual legal limits on exactions.

Through the Development Agreement, the city or county may require the reservation or dedication of land for public purposes and may include conditions and restrictions for subsequent discretionary actions. For example, the city or county may require dedication of emergency access easements, dedication of land for firefighting facilities, on-going maintenance of those facilities, and subsequent review of fire safety plans before later phases of development can begin. (GC [Section 65865.2](#).)

It is important that local governments be aware of their authority to negotiate and enforce the terms of a Development Agreement to prevent and mitigate wildland fire hazards. Since many Agreements include phased development anticipated to occur over many years, they often describe the first phase of development in detail, but leave later phases less well defined. To ensure that fire prevention, protection and mitigation are adequately considered in all phases of a project, it is important for local jurisdictions to anticipate fire protection needs for all phases of the project, condition the Agreement accordingly, and monitor and enforce the terms of the Agreement.

GC [Section 65865.1](#) requires annual review of the Development Agreement at which time the developer must demonstrate good faith compliance with the terms of the Agreement. If the city or county finds that this has not occurred and makes the necessary findings, it may terminate or modify the Agreement. Where measures to prevent and mitigate fire hazard have been incorporated into a Development Agreement and have not been implemented according to the Agreement, the city or county should be aware that it has this power to enforce compliance.

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4. Zoning Ordinances

Cities and counties are required to adopt zoning ordinances as a means of implementing the General Plan (GC Section 65860). The zoning ordinance can include requirements for setbacks, landscaping, and site access, to name a few, that can assist in reducing fire hazard. Further, a county could enact a fire hazard overlay zone that would apply to identify areas of fire hazard that would set out development standards that apply in addition to the requirements in the base zone. Keep in mind that zoning sets out physical standards for development and is not very well suited to enforcing maintenance and other activities. Most city/county ordinances provide for these activities outside the zoning ordinance, an example is yard maintenance ordinances established by some communities to enforce yard maintenance requirements. In addition, GC Section 65910 requires each city and county to have an “open-space zoning ordinance” that is consistent with its open-space element. This requirement is an important implementation tool in linking fire safety provisions in the open-space element such as fuel break/fuel reduction with zoning for site-specific development permits.

WILDFIRE PLANNING TOOLS

Unit Fire Plans

Drawn from the 2010 California Strategic Fire Plan, the CAL FIRE Units and Contract Counties are plans that include stakeholder contributions and priorities, and identify strategic areas for pre-fire planning and fuel treatment as defined by the people who live and work with the local fire problem.

Fire and Resource Assessment Program (FRAP)

FRAP provides a variety of products including a detailed report on California's forests and rangelands. FRAP provides extensive technical and public information for statewide fire threat, fire hazard, watersheds, socio-economic conditions, environmental indicators, and forest-related climate change.

My Plan

My Plan is a map service designed to be a simple interface to California natural hazard data products produced by the California Natural Resources Agency departments and other government agencies. This website is provided by the Governor's Office of Emergency Services to allow users to easily make hazard maps for mitigation planning, report generation, and other tasks. These maps show SRA fire hazard severity zones in the very high fire hazard severity zones.

Board of Forestry Safety Element Review Evaluation:

The State Board of Forestry and Fire Protection (BOF/Board) is required to review and make recommendations to the fire safety element of general plan updates in accordance with Government Code (GC) §65302.5. The review and recommendations apply to those general plans with State Responsibility Area (SRA) (Public Resources Code 4125) or Very High Fire

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Hazard Severity Zones (VHFHSZ) (GC 51175). The statutory requirements for the Board review and recommendations pursuant to GC 65302.5 (a)(1) and (2), and (b) are as follows:

- “The draft elements...to the fire safety element of a county’s or a city’s general plan...shall be submitted to the Board at least 90 days prior to... the adoption or amendment to the safety element of its general plan [for each county or city with SRA or VHFHSZ].”
- “The Board shall... review the draft or an existing safety element and report its written recommendations to the planning agency within 60 days of its receipt of the draft or existing safety element....”
- “Prior to adoption of the draft element..., the Board of Supervisors... shall consider the recommendations made by the Board... If the Board of Supervisors...determines not to accept all or some of the recommendations...,” the Board of Supervisors... shall communicate in writing to the Board its reasons for not accepting the recommendations.”

In order to streamline the review process, the Board has developed a standard form that evaluates General Plan Safety Elements for its required components. When finalized, it will be available on their website (<http://bofdata.fire.ca.gov/>) for local jurisdictions to preview prior to sending the Safety Element for BOF review.

EXAMPLES OF FIRE HAZARD PLANNING

- The Long-Canyon-Pismo Vegetation Management Program (VMP) prescribed burn is planned for approximately 1,500 acres just outside the City of Pismo Beach’s northern border. <http://www.pismobeach.org/index.aspx?NID=575>
- In 2000, the Federal Bureau of Land Management (BLM) and CAL FIRE began working on a community fuel break to protect the communities of Poppet Flat and Rancho Encino and the Silent Valley RV Club. The strategic placement of this fuels treatment project slowed the progress of the October 26, 2005, Esperanza Fire, helping to protect these communities.
http://cdfdata.fire.ca.gov/fire_er/fpp_planning_success_detail?story_id=26
- CAL FIRE is creating the Bridge Street Fuel Break Project, a shaded fuel break to protect the community of Cambria from fire spreading from surrounding forests. The project is thinning vegetation in a 100-foot-wide zone along the community’s northeastern perimeter. The shaded fuel break is expected to materially slow the spread of fire, helping firefighters and residents protect the community.
http://www.fire.ca.gov/resource_mgt/downloads/EP_PublicNotice/BridgeStreet_FuelBreakProject/BridgeStreet_FuelBreak_CEQADocument.pdf

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- San Diego County. 2010. San Diego County Multi-Jurisdictional Hazard Mitigation Plan San Diego County, California.
<http://www.sandiegocounty.gov/content/dam/sdc/oes/docs/2010-HazMit-Final-August-2010.pdf>
- Following the Montecito Tea Fire of 2008 and Jesusita Fire of 2009, Santa Barbara County updated and adopted its local hazard mitigation plan as part of the county general plan safety element.
<http://longrange.sbcountyplanning.org/programs/genplanreformat/PDFdocs/Seismic.pdf>
- Humboldt County. 2007. General Plan – Safety Element.
<http://co.humboldt.ca.us/gpu/docs/prelimhearingdraft/group3/safetyelement3-21-07posted.pdf>
- The community of Rancho Santa Fe in San Diego County has vigorously implemented Fire Safe design by vigorously encouraging fire-retardant construction and fire-resistant landscaping practices that enable effective fire suppression and greater homeowner safety.
<http://www.rsf-fire.org/ordinances/ordinances.html#WUI>

GLOSSARY

California Environmental Quality Act (CEQA) – The California Environmental Quality Act (CEQA) generally requires state and local government agencies to inform decision makers and the public about the potential environmental impacts of proposed projects, and to reduce those environmental impacts to the extent feasible. (http://www.opr.ca.gov/m_ceqa.php)

Climate Change – Any long-term significant change in the “average weather” that a given region experiences. Average weather may include average temperature, precipitation and wind patterns. (<http://frap.cdf.ca.gov/assessment2010/definitions.html>)

Communities at Risk – Defined by the Healthy Forest Restoration Act of 2003 as - “Wildland-Urban Interface Communities within the vicinity of federal lands that are at high risk from wildfire.” CAL FIRE expanded on this definition for California including all communities (regardless of distance from federal lands) for which a significant threat to human life or property exists as a result of a wildland fire event. California uses the following three factors to determine at risk communities: 1) high fuel hazard, 2) probability of a fire, and 3) proximity of intermingled wildland fuels and urban environments that are near fire threats.

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Community Wildfire Protection Plan (CWPP) – A community based collaborative plan developed by local stakeholders that identifies and prioritizes areas for hazardous fuel reduction treatments to protect communities and infrastructure from wildfire. Stakeholders, applicable local government, local fire departments, state forestry, and federal land management agencies agree to the plans.

Cooperative Fire Protection Agreements – Agreements established between federal, state, tribal and local government entities to provide long-term fire and emergency service protection.

Defensible Space – The area within the perimeter of a parcel, development, neighborhood or community where basic wildland fire protection practices and measures are implemented, providing the key point of defense from an approaching wildfire or defense against encroaching wildfires or escaping structure fires.

(http://cdfdata.fire.ca.gov/fire_er/fpp_engineering_view?guide_id=8)

Fire Hazard – A fuel complex, defined by volume, type condition, arrangement, and location, that determines the degree of ease of ignition and of resistance to control.

(<http://www.nwcg.gov/pms/pubs/glossary/f.htm>)

Fire Prevention – Activities such as public education, community outreach, building code enforcement, engineering (construction standards), and reduction of fuel hazards that is intended to reduce the incidence of unwanted human-caused wildfires and the risks they pose to life, property or resources. (<http://www.nwcg.gov/pms/pubs/glossary/f.htm>)

Fire Resistant – The condition of an asset that resists ignition and damage from wildfire. Structures are built using ignition resistant materials such as stucco, tile roofs, and boxed eaves with the likelihood that they will withstand most wildland fires or at least reduce damage caused by them.

Fire Risk – The chance of fire starting, as determined by the presence and activity of causative agents; a causative agent or a number related to the potential number of firebrands (embers) to which a given area will be exposed during the day.

(<http://www.nwcg.gov/pms/pubs/glossary/f.htm>)

Fire Safe Building Standards – Various laws and codes that apply accepted fire safety practices (as determined by scientific research panels and associations, with replicated results) into construction of assets. Examples of laws and codes include; California Fire Code Chapter 49, California Building Code Chapter 7A, Public Resource Code, §4290 and Fire Safe Regulations, §1270.

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Fire Safe Councils (FSC) – A group of concerned citizens organized to educate groups on fire safe programs, projects and planning. The Councils work closely with the local fire agencies to develop and implement priorities. (<http://www.firesafecouncil.org>)

Fireshed – A contiguous area displaying similar fire history and problem fire characteristics (i.e., intensity, resistance to control) and requiring similar suppression response strategies.

Fire Suppression Resources – State, federal, tribal, local and private, equipment and resources, gathered to extinguish and mitigate wildland fires.

FIREWISE – A national program designed to reach beyond the fire service by involving homeowners, community leaders, planners, developers, and others in the effort to protect people, property, and natural resources from the risk of wildland fire before a fire starts. The Firewise program is community driven.

Fire Hazard Severity Zones – Areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors. These zones, then define the application of various mitigation strategies to reduce risk associated with wildland fires.

Forest and Rangeland Health – An expression of the prevalent ecological conditions on a landscape as compared to benchmark conditions yielding maximum benefit to multiple resource values - ecological, economic, and social/political.

Fuels Treatment – The manipulation or removal of fuels to reduce the likelihood of igniting and to reduce fire intensity (e.g., lopping, chipping, crushing, piling and burning).

Safety Element – One of the seven mandatory elements of a local general plan, the safety element must identify hazards and hazard abatement provisions to guide local decisions related to zoning, subdivisions, and entitlement permits. The element should contain general hazard and risk reduction strategies and policies supporting hazard mitigation measures. (http://opr.ca.gov/docs/General_Plan_Guidelines_2003.pdf)

Stafford Act - The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) is a United States federal law designed to bring an orderly and systemic means of federal natural disaster assistance for state and local governments in carrying out their responsibilities to aid citizens. Congress' intention was to encourage states and localities to develop comprehensive disaster preparedness plans, prepare for better intergovernmental coordination in the face of a disaster, encourage the use of insurance coverage, and provide federal assistance programs for losses due to a disaster.

State Responsibility Areas - Areas of the state in which the financial responsibility for preventing and suppressing fires has been determined by the State Board of Forestry (pursuant to Public Resources Code 4125) to be primarily the responsibility of the State. (http://opr.ca.gov/docs/General_Plan_Guidelines_2003.pdf)

Fire Hazard Planning

Values and Assets at Risk – Accepted principals or standards, and any constructed or landscape attribute that has value and contributes to community or individual well- being and quality of life. Examples include property, structures, physical improvements, natural and cultural resources, community infrastructure, commercial standing timber, ecosystem health and production of water.

Very High Fire Hazard Severity Zones - Areas designated by the Director of Forestry and Fire Protection based on consistent statewide criteria and based on the severity of fire hazard that is expected to prevail in those areas.

Wildland –Those unincorporated areas covered wholly or in part by trees, brush, grass, or other flammable vegetation.

Wildfire – An unplanned ignition; unwanted wildland fire including unauthorized human-caused fires, escaped wildland fire use events, escaped prescribed fire projects, and all other wildland fires where the objective is to put the fire out.

Wildland Fire – Fire that occurs in the wildland as the result of an unplanned ignition.

Wildland-Urban Interface (WUI) –The line, area, or zone where structures and other human development meet or intermingle with undeveloped wildland or vegetative fuels.



HOUSING ELEMENT COMPLETENESS CHECKLIST

A Quick Reference of Statutory Requirements for Housing Element Updates Updated 1/2021

The purpose of this completeness checklist is to assist local governments in the preparation of their housing element. It includes the statutory requirements of Government Code section 65580 – 65588. Completion of this checklist is not an indication of statutory compliance but is intended to provide a check to ensure that relevant requirements are included in the housing element prior to submittal to the Department of Housing and Community Development pursuant to Government Code section 65585(b). For purposes of the Checklist the term “analysis” is defined as a description and evaluation of specific needs, characteristics, and resources available to address identified needs.

For technical assistance on each section visit [California Housing and Community Development *Building Blocks* Technical Assistance](https://www.hcd.ca.gov/community-development/building-blocks/index.shtml) (<https://www.hcd.ca.gov/community-development/building-blocks/index.shtml>)

Checklist

Public Participation

Government Code section 65583, subdivision (c)(8)

Description of Requirement	Page Number
Description of the diligent efforts the jurisdiction made to include all economic segments of the community and/or their representatives in the development and update of the housing element	
Summary of the public input received and a description of how it will be considered and incorporated into the housing element.	

Review and Revise

Government Code section 65588, subdivision (a)

Description of Requirement	Page Number
<u>Progress in implementation</u> – A description of the actual results or outcomes of the previous element’s goals, objectives, policies, and programs (e.g. what happened).	
<u>Effectiveness of the element</u> – For each program, include an analysis comparing the differences between what was projected or planned in the element and what was achieved.	
<u>Appropriateness of goals, objectives, policies, and programs</u> –A description of how the goals, objectives, policies, and programs in the updated element are being changed or adjusted to incorporate what has been learned from the results of the previous element. (e.g. continued, modified, or deleted.)	
<u>Special needs populations</u> – Provide a description of how past programs were effective in addressing the housing needs of the special populations. This analysis can be done as part of describing the effectiveness of the program pursuant to (2) if the jurisdiction has multiple programs to specifically address housing needs of special needs populations or if specific programs were not included, provide a summary of the cumulative results of the programs in addressing the housing need terms of units or services by special need group.	
<u>AB 1233 – Shortfall of sites from the 5th cycle planning period</u> – Failure to implement rezoning required due to a shortfall of adequate sites to accommodate the 5th cycle planning period RHNA for lower-income households triggers the provisions of Government Code section 65584.09.	

Comments:

Housing Needs Assessment – Quantification and Analysis of Need
Government Code section 65583, subdivision (a)(1)(2) and section 65583.1,
subdivision (d)

For information on how to credit reductions to RHNA See “Housing Element Sites Inventory Guidebook” at [HCD’s technical assistance memos](https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos.shtml) (https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos.shtml)

Description of Requirement	Page Number
Population (e.g., by age, size, ethnicity, households by tenure) and employment trends	
Household characteristics including trends, tenure, overcrowdings and severe overcrowding	
Overpayment by income and tenure	
Existing housing need for extremely low-income households	
Projected housing needs: Regional Housing Needs Allocation (RHNA) by income group, including projected extremely low-income households	
Housing stock conditions, including housing type, housing costs, vacancy rate	
Estimate of the number of units in need of replacement and rehabilitation	

Identification and Analysis of the Housing Needs for Special Needs Populations

Government Code section 65583, subdivision (a)(7)

Description of Requirement	Page Number
Elderly	
Persons with Disabilities, including Developmental Disabilities	
Large Households	
Farmworkers (seasonal and permanent)	
Female Headed Households	
Homeless (seasonal and annual based on the point in time count)	
Optional: Other (e.g. students, military)	

Comments:

**Affirmatively Further Fair Housing - An Assessment of Fair Housing –
Required for Housing Element due after 1/1/2021.
Government Code section 65583, subdivision (c)(10)(A)**

Part 1 Outreach

Description of Requirement	Page Number
Does the element describe and incorporate meaningful engagement that represents all segments of the community into the development of the housing element, including goals and actions?	

Part 2 Assessment of Fair Housing

Description of Requirement	Page Number
Does the element include a summary of fair housing enforcement and capacity in the jurisdiction?	
The element must include an analysis of these four areas: Integration and segregation patterns and trends	
Racially or ethnically concentrated areas of poverty	
Disparities in access to opportunity	
Disproportionate housing needs within the jurisdiction, including displacement risk	

Each analysis should include these components:

- Local: Review and analysis of data at a local level
- Regional impact; Analysis of local data as it compares on a regional level
- Trends and patterns: Review of data to identify trends and patterns over time
- Other relevant factors, including other local data and knowledge
- Conclusion and findings with a summary of fair housing issues

Part 3 Sites Inventory

Description of Requirement	Page Number
Did the element identify and evaluate (e.g., maps) the number of units, location and assumed affordability of identified sites throughout the community (i.e., lower, moderate, and above moderate income RHNA) relative to all components of the assessment of fair housing?	
Did the element analyze and conclude whether the identified sites improve or exacerbate conditions for each of the fair housing areas (integration and segregation, racially and ethnically concentrated areas of poverty, areas of opportunity, disproportionate housing needs including displacement)?	

Comments:

Part 4 Identification of Contributing Factors

Description of Requirement	Page Number
Did the element identify, evaluate, and prioritize the contributing factors to fair housing issues?	

Part 5 Goals and Actions Page

Description of Requirement	Page Number
Did the element identify, goals and actions based on the identified and prioritized contributing factors?	
Do goals and actions address mobility enhancement, new housing choices and affordability in high opportunity areas, place-based strategies for preservation and revitalization, displacement protection and other program areas?	

Programs must include the following components:

- Actions must be significant, meaningful and sufficient to overcome identified patterns of segregation and affirmatively further fair housing.
- Metrics and milestones for evaluating progress on programs/actions and fair housing results.

**Affordable Housing Units At-Risk of Conversion to Market Rate
Government Code section 65583, subdivision (a)(9)**

See [Preserving Existing Affordable Housing](https://www.hcd.ca.gov/policy-research/preserving-existing-affordable-housing.shtml) (https://www.hcd.ca.gov/policy-research/preserving-existing-affordable-housing.shtml)

Description of Requirement	Page Number
Provide an inventory of units at-risk of conversion from affordable to market-rate rents within 10 years of the beginning of the planning period. The inventory must list each development by project name and address, the type of governmental assistance received, the earliest possible date of change from low-income use, and the total number of elderly and nonelderly units that could be lost from the locality's low-income housing stock in each year.	
Provide an estimate and comparison of replacement costs vs. preservation costs	
Identify qualified entities to acquire and manage affordable housing	
Identify potential funding sources to preserve affordable housing	

Comments:

Analysis of Actual and Potential Governmental Constraints
Government Code section, 65583, subdivisions (a)(5), (a)(4), (c)(1), and section 65583.2, subdivision (c)

See “Accessory Dwelling Unit Handbook” at [HCD’s Accessory Dwelling Unit Assistance page](https://www.hcd.ca.gov/policy-research/accessorydwellingunits.shtml) (https://www.hcd.ca.gov/policy-research/accessorydwellingunits.shtml)

Description of Requirement	Page Number
Land use controls (e.g. parking, lot coverage, heights, unit size requirements, open space requirements, Accessory Dwelling Unit (ADU) requirements, floor area ratios, growth controls (e.g., caps on units or population or voter approval requirements, conformance with the requirements of SB 330), inclusionary requirements, consistency with State Density Bonus Law and Housing Accountability Act, and consistency with zoning and development standard website publication and transparency requirements pursuant to Gov. Code § 65940.1 subd. (a)(1)(B)).	
Local processing and permit procedures (e.g., typical processing times, permit types/requirements by housing type and zone, decision making criteria/findings, design/site/architectural review process and findings, description of standards [objective/subjective], planned development process). Element should also describe whether the jurisdiction has a process to accommodate SB 35 streamline applications and by-right applications for permanent supportive housing and navigation centers.	
Building codes and their enforcement (e.g., current application of the California Building Code, any local amendments, and local code enforcement process and programs)	
On and Off-Site improvement requirements (e.g., street widths, curbing requirements)	
Fees and other exactions (e.g., list all fees regardless of entity collecting the fee, analyze all planning and impact fees for both single family and multifamily development, provided typical totals and proration to total development costs per square foot, and consistency with fee website publication and transparency requirements pursuant to Gov. Code § 65940.1 subd. (a)(1)(A)).	
Housing for persons with disabilities (e.g. definition of family, concentrating/siting requirements for group homes, reasonable accommodation procedures, application of building codes and ADA requirements, zoning for group homes and community care facilities)	
Analysis of locally-adopted ordinances that directly impact the cost and supply of housing (e.g. inclusionary ordinance, short-term rental ordinance)	

Comments:

An Analysis of Potential and Actual Nongovernmental Constraints

Government Code section, 65583, subdivision (a)(6)

Description of Requirement	Page Number
Availability of financing	
Price of land	
Cost of Construction	
Requests to develop housing below identified densities in the sites inventory and analysis	
Typical timeframes between approval for a housing development project and application for building permits	

Does the analysis demonstrate the jurisdiction's action(s) to mitigate nongovernmental constraints that create a gap between planning for housing to accommodate all income levels and the construction of housing to accommodate all income levels?

Zoning for a Variety of Housing Types

Government Code section, 65583, subdivisions (a)(4), (c)(1), and subdivision 65583.2 subdivision (c)

Provide an analysis of zoning and availability of sites for a variety of housing types including the following:

Description of Requirement	Page Number
Multifamily Rental Housing	
Housing for Agricultural Employees (permanent and seasonal) (compliance with Health and Safety Code sections 17021.5, 17021.6, and 17021.8	
Emergency Shelters (including compliance with new development/parking standards pursuant to AB 139/Gov. Code § 65583 subd. (a)(4)(A)).	
Low Barrier Navigation Centers	
Transitional Housing	
Supportive Housing (including compliance with AB 2162, statutes of 2019)	
Single-Room Occupancy Units	
Manufactured homes, including compliance with Gov. Code § 65852.3	
Mobile Home Parks	
Accessory Dwelling Units	

Comments:

Site Inventory and Analysis

Government Code, section 65583, subdivision (a)(3), section 65583.1, subdivision

See “Housing Element Sites Inventory Guidebook” and “Default Density Standard Option” at [HCD’s technical assistance memos](https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos.shtml) (https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos.shtml)

See [Site Inventory Form](https://www.hcd.ca.gov/community-development/housing-element/docs/Site_inventory_template09022020.xlsm) (https://www.hcd.ca.gov/community-development/housing-element/docs/Site_inventory_template09022020.xlsm) and [Site Inventory Form Instructions](https://www.hcd.ca.gov/community-development/housing-element/docs/Site_inventory_instructions.pdf) (https://www.hcd.ca.gov/community-development/housing-element/docs/Site_inventory_instructions.pdf)

Site Inventory – The site inventory must be prepared using the form adopted by HCD.

A electronic copy of the site inventory is due at the time the adopted housing element is submitted to HCD for review and can be sent to siteinventory@hcd.ca.gov.

Site Inventory

Description of Requirement	Page Number
<i>Sites Inventory Form Listing:</i> Parcel listing by parcel number, size, general plan and zoning, existing uses on non-vacant sites, realistic capacity, level of affordability by income group, publicly owned sites (optional).	
<i>Prior Identified Sites:</i> Address whether sites are adequate to accommodate lower income needs based on identification in the prior planning period for non-vacant sites or two or more for vacant sites.	
Map of sites	

Did the jurisdiction use the sites inventory form adopted by HCD?

Site Inventory Analysis and Methodology

Description of Requirement	Page Number
<i>RHNA Progress:</i> List the number of pending, approved or permitted units by income group based on actual or anticipated sales prices and rents since the beginning of the projection period	
<i>Environmental Constraints:</i> Address any known environmental or other constraints, conditions or circumstances, including mitigation measures, that impede development in the planning period	
<i>Appropriate density:</i> Identification of zoning to accommodate RHNA for lower-income households: <ul style="list-style-type: none"> Identify zones meeting the “default” density (Gov. Code § 65583.2 subd. (c)(3)(B)) or; Identify and analyze zones with densities less than the “deemed appropriate” (default) density that are appropriate to accommodate lower RHNA. 	

Comments:

Description of Requirement	Page Number
<p><i>Capacity:</i> Describe the methodology used in quantifying the number of units that can be accommodated on each APN:</p> <ul style="list-style-type: none"> • If development is required to meet a minimum density, identify the minimum density, or; • Describe the methodology used to determine realistic capacity accounting for land use controls and site improvement requirements, typical density trends for projects of similar affordability, and current or planned infrastructure. • For sites with zones allowing non-residential uses, demonstrate the likelihood of residential development 	
<p><i>Infrastructure:</i> Existing or planned infrastructure to accommodate the regional housing need, including water, sewer and dry utilities</p>	
<p><i>Small and large sites:</i> Sites identified to accommodate lower RHNA that are less than one-half acre or larger than 10 acres require analysis to establish they are adequate to accommodate the development of affordable units.</p>	
<p><i>Affirmatively Furthering Fair Housing:</i> Identified sites throughout the community that affirmatively furthers fair housing (see page 5 of checklist)</p>	
<p><i>Nonvacant Sites Analysis:</i> For nonvacant sites, demonstrate the potential and likelihood of additional development within the planning period based on extent to which existing uses may constitute an impediment to additional residential development, past experience with converting existing uses to higher density residential development, current market demand for the existing use, any existing leases or other contracts that would perpetuate the existing use or prevent redevelopment of the site for additional residential development, development trends, market conditions, and regulatory or other incentives or standards to encourage additional residential development on these sites</p>	
<p>If nonvacant sites accommodate 50 percent or more of the lower-income RHNA, demonstrate the existing use is not an impediment to additional development and will likely discontinue in the planning period, including adopted findings based on substantial evidence.</p>	
<p>Nonvacant sites that include residential units (either existing or demolished) that are/were occupied by, or subject to, affordability agreements for lower-income households within 5 years are subject to a housing replacement program. (Gov. Code § 65583.2 subd. (g)(3))</p>	

Please note: This checklist does not include new requirements related to zoning for sites accommodating the moderate and above moderate income pursuant to AB 725, statutes of 2020 as this requirement is not enacted until 2022.

Comments:

Alternative Methods to Accommodate the RHNA: Optional

Description of Requirement	Page Number
Accessory Dwelling Units: Analyze the number and affordability level of ADU units projected to be built within the planning period, including resources and incentives and other relevant factors such as potential constraints, and the likelihood of availability for rent	
Existing Residential Units: number and affordability level of units rehabilitated, converted or preserved that meet the provisions of alternative adequate sites. In addition, this includes units in a motel, hotel, or hostel that are converted to residential units and made available to persons experiencing homelessness as part of a COVID-19 response and acquisition of mobile home park. If using this option, the adequate site alternative checklist must be provided.	
Other: Jurisdictions are encouraged to consult with HCD regarding other alternative methods options including new manufactured housing park hook-ups, floating homes/live aboard berths, conversion of military housing, adaptive reuse of commercial uses, or other housing opportunities unique to the community to ensure their adequacy to accommodate RHNA.	

Other Miscellaneous Requirements

Also see Technical Advisories issued by the Governor's Office of Planning and Research at: [New state legislation related to General Plans Appendix C](http://opr.ca.gov/docs/OPR_Appendix_C_final.pdf) (http://opr.ca.gov/docs/OPR_Appendix_C_final.pdf) and [Fire Hazard Planning General Plan Technical Advice Series](http://opr.ca.gov/docs/Final_6.26.15.pdf) (http://opr.ca.gov/docs/Final_6.26.15.pdf)

Description of Requirement	Page Number
Description of the means by which consistency with the general plan will be achieved and maintained. (Gov. Code § 65583 subd. (c)(8))	
Description of construction, demolition, and conversion of housing for lower- and moderate-income households within the Coastal Zone (if applicable). (Gov. Code § 65588 subds. (c) and (d))	
Description of opportunities for energy conservation in residential development. (Gov. Code § 65583 subd. (a)(8))	
Description of consistency with water and sewer priority requirements pursuant to SB 1087 (Gov. Code § 65589.7)	
Other elements of the general plan triggered by housing element adoption: <ul style="list-style-type: none"> • Disadvantaged Communities (Gov. Code § 65302.10) • Flood Hazard and Management (Gov. Code § 65302 subds. (d)(3) and (g)(2)(B)) • Fire Hazard (Gov. Code § 65302 and 65302.5) • Environmental Justice (Gov. Code § 65302 subd. (h)) • Climate Adaptation 	

Comments:

Schedule of Actions/Programs

Government Code, section 65583, subdivisions (c)(1 – 7), and (10)

For adequate site programs See “Housing Element Sites Inventory Guidebook” at [HCD’s technical assistance memos](https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos.shtml) (<https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos.shtml>)

Program Description	Program numbers	Page number
<i>Program(s) to provide adequate sites (large/small sites, incentives for mixed use/nonvacant sites, publicly owned sites, annexation, etc)</i>		
If required: Program to accommodate a shortfall of adequate sites to accommodate the lower RHNA. This program must meet the specific criteria identified in Gov. Code § 65583.2 subd. (h) and (i).		
If required: Program to accommodate an unaccommodated need from the previous planning period pursuant to Gov code § 65584.09		
If required: Program when vacant/nonvacant sites to accommodate lower RHNA have been identified in multiple housing elements, if needed. (Gov. Code § 65583.2 subd. (c))		
If required: Program to provide replacement units when occupied by, or deed restricted to lower-income households within the last 5 years, if needed. (Gov. Code § 65583.2 subd. (g)(3))		
<i>Program(s) to assist in the development of housing to accommodate extremely-low, very-low, low or moderate-income households, including special needs populations</i>		
<i>Program to address governmental and nongovernmental constraints to the maintenance, improvement, and development of housing</i>		
<i>Program(s) to conserve and improve the condition of the existing affordable housing stock</i>		

Comments:

Program Description	Program numbers	Page number
<i>Program(s) to promote and affirmative further fair housing opportunities</i>		
<i>Program(s) to preserve units at-risk of conversion from affordable to market-rate rents.</i>		
<i>Program(s) to incentivize and promote the creation of accessory dwelling units that can be offered at an affordable rent.</i>		

Do programs specify specific clear commitment, meaningful actions, that will have beneficial impact within the planning period?

Do programs identify timing, objectives (quantified where appropriate), and responsible parties, if appropriate for implementation?

Quantified Objectives

Government Code, section 65583, subdivisions (b)

For an example table addressing this requirement visit [California Housing and Community Development Building Blocks](https://www.hcd.ca.gov/community-development/building-blocks/program-requirements/program-overview.shtml) (https://www.hcd.ca.gov/community-development/building-blocks/program-requirements/program-overview.shtml)

Description of Requirement	Page Number
Estimate the number of units likely to be constructed, rehabilitated and conserved or preserved by income level, including extremely low-income, during the planning period	

Comments:

Dylan Parker

From: Cara E. Silver
Sent: Friday, March 25, 2022 4:53 PM
To: Bill Russell; Jeff Booth; Bob Adams; robert allen; Caryl Russell; jamie koblick; Greg Franklin; Tammy Cole; housing; Kevin Ford; Celeste Ford; ellen vernazza
Cc: Jeremy Dennis; Laura Russell
Subject: RE: FW: Portola Valley Housing Crisis

Hi Bill,

Thanks for your email and especially for your offer to help. Portola Valley has a rich history of volunteerism and it is much appreciated. I discussed the three specific projects with Laura and we agree all of them would help move the ball forward. From our perspective the first project could be undertaken immediately, whereas the other two will need some more policy work from the Committee (and perhaps Council) before implementing.

We have some specific properties in mind for the open space amendments and could definitely benefit from some help. Could we talk on Monday afternoon or Tuesday morning?

Thanks and have a wonderful weekend.

-Cara

Cara E. Silver (she/her)
Jorgenson, Siegel, McClure & Flegel, LLP
1100 Alma Street, Suite 210
Menlo Park, CA 94025

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From: Bill Russell
Sent: Thursday, March 24, 2022 6:06 PM
To:

Cc: jdennis (jdennis@portolavalley.net) <jdennis@portolavalley.net>; Laura Russell <lrussell@portolavalley.net>
Subject: Re: FW: Portola Valley Housing Crisis

Cara, thank you for your prompt response to what I wrote. And much thanks to both you and Laura for all of the work that the two of you obviously did to put together last night's presentation. Your outline of steps going forward, "The Big 8" makes sense. There is an enormous amount of work to be done. And there are many in this town, including Caryl and me, who would be willing to assist. Consider the following tasks that the planning department may not have the time to investigate that could be delegated to town volunteers:

1. Contacting the grantors of open space land and asking them if they would be willing to alter the deed restrictions enough to allow for some affordable housing.
2. Contacting developers specializing in low and moderate housing construction to discuss the viability of developing town owned vacant land, e.g. EAH Housing that is developing 90 studio to 3-bedroom moderate/low income housing units for Los Altos.
3. Preparing and distributing an information kit to all town residents encouraging them to develop an ADU. At your suggestion I went to the link on ADUs to determine what one must show to have an ADU site recognized by the state as part of the 253 unit requirement. This is what I learned:

(i) Government Code Section 65583.1(a) allows a city to identify sites for ADUs based on the number of ADUs developed in the prior housing element planning period, as explained by Laura at last night's meeting. However, there is nothing in that statute or any other I could find that limits site designation to the ADUs constructed in the prior housing element period. In fact, the explanatory material to which you referred me says "...To rely on ADUs or JADUs as part of an overall sites strategythe element must include an estimate of the potential number of these units to be developed in the planning period based on an analysis that considers the following factors:

- 1.the number of ADUs or JADUs developed in the prior planning period;
2. the community need for these types of housing units.
3. the resources and/or incentives available that will encourage the development of ADUs; and
4. the availability of ADUs and JADUs that will be part of the rental stock, rather than used as offices or guest houses.....
6. other relevant factors as determined by HCD.

In other words, if a number of town residents wrote to the town stating their wish to develop an ADU on their property, there seems to be no reason why that information could not be passed along to the state and included in an ADU inventory.

It is clear that HCD is strongly in favor of ADUs. From that same material to which you referred me there is a list of things that local governments can do to encourage ADUs:

1. "Develop information packets to market ADU construction. A packet could include materials for ADUs application, explain the application process, and describe incentives to promote their development."
2. "Advertise ADUs development opportunities to homeowners on the community's web site, community and senior centers, in community newsletters, and in local utility bills, etc."
3. "Establish and maintain an ADUs specialist in the current planning division to assist in processing and approving ADUs."
4. "Establish flexible zoning requirements, development standards, processing and fee incentives that facilitate the creation of ADUs (Government Code Section 65852.2(g). Incentives include reduced parking requirements...tandem parking,...pre-approved building plans or design prototypes..."

Such an informational packet could reference CalHFAs ADU Grant Program that will provide up to \$25,000 in assistance to reimburse homeowners for pre-development costs necessary to build and occupy an ADU and the Local Housing Trust Fund Program that offers matching funds to local and regional housing trust funds and are available for the construction of ADUs or JADUs. I have previously suggested using some of the town's almost \$4.0 million to incentivize homeowners to develop ADUs (\$25,000 in construction escrow per homeowner) but I've not received comment on this from anyone.

Those same written materials showcase the City of Santa Cruz' "Accessory Dwelling Unit (ADU) Development Program," and reads "Through the ADU Development Program, the City of Santa Cruz offers technical and financial

assistance including an ADU manual detailing the development process, relevant zoning, design standards, building codes and showcases of ADU prototype designs."

There is so much that can be done if we pool all of our resources.

(A brief comment on recusal: we will have to agree to disagree. You write "If the mayor reported statements of residences requesting to be upzoned to increase their property values, would that be considered animus?" Of course not, because (1) the statements themselves are not derogatory or inflammatory, (2) the statements, in your hypo, assume that they were the actual statements made by homeowners whereas here, the statements that the mayor claims were made to him were not actually made to him according to others in attendance at the meeting and, (iii) the statements that the mayor says were made, but weren't, are aggressive and inflammatory and their attribution exhibits bias and animus. As Supreme Court Justice Stewart said in a somewhat different context, but applicable to "bias" and "animus," "I can't define it but I know it when I see it."

One clarification: I don't represent anyone and if there is litigation I won't be representing anyone so this should not be an impediment to your communicating with me. I just want to help and hope that you and/or Laura will address some of the points of this email so that we can move forward positively.

Bill

On Thu, Mar 24, 2022 at 1:41 PM Cara E. Silver

wrote:

Hi Bill,

Thanks for your constructive suggestions on satisfying the Town's RHNA suggestions. Based on the Council's direction last night, most of these suggestions will be analyzed in more detail as part of the Town's ongoing process.

I noticed your email requested the Town Attorney to provide advice and legal opinions on various issues. As you probably know, the Town Attorney answers to the Town Council, not to individual residents. Also given the discussion of possible lawsuits against the Town, it would be inappropriate for me to provide advice directly to you or the group of residents you represent. That said, here is a [link](#) to housing element resources published by HCD. These resources should answer most of your questions. As we have said many times, the regulations in this area are new and the law is continuing to evolve.

I also wanted to respond to your request that Mayor Hughes recuse himself. I believe you are referencing the common law bias principle which indeed only applies to quasi-judicial decisions. Adoption of housing elements and zoning codes have been held to be legislative, not quasi-judicial, decisions and therefore this principle does not apply. Even if this were a quasi-judicial decision, the Mayor's simple recitation of statements made by fellow residents would not constitute a "bias" or "animus". If the Mayor reported statements of residents requesting to be upzoned to increase their property values, would that be considered animus?

I hope you do not construe my communication as confrontational. I do not intend it to be and I sincerely appreciate your engagement on this issue. These are tough issues and we all benefit from thoughtful leadership. I hope this clarifies some of the issues and that we can continue to debate these policy issues in a respectful, informed manner.

Thanks,

Cara Silver

Town Attorney

Cara E. Silver (she/her)

Jorgenson, Siegel, McClure & Flegel, LLP

1100 Alma Street, Suite 210

Menlo Park, CA 94025

(650) 324-9300

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From: Bill Russell

Sent: Wednesday, March 23, 2022 1:52 PM

To:

; Housing <housing@portolavalley.net>

Subject: Portola Valley Housing Crisis

Introduction:

"They paved paradise and put up a parking lot

They took all the trees, and put em in a tree museum

And then they charged the people a dollar and a half to see them

No, no, no

Don't it always seem to go

That you don't know what you got 'till it's gone

They paved paradise and put up a parking lot."

Joni Mitchell

"It's a beautiful day in this neighborhood

A beautiful day for a neighbor

Would you be mine?

Could you be mine?

Fred Rodgers (deceased)

The Crisis

Portola Valley faces a crisis not of its own making. The State of California has mandated that this town submit a proposal for 253 dwellings to meet the state's need for additional reduced cost housing. And, to compound this already difficult task, the state has demanded that a preliminary report be produced within the next 5 1/2 months (although I was recently advised the town, along with other towns and cities within our county, are seeking an extension of time to produce the required plans.) The town is working diligently to complete this task. I submit that we must not let arbitrary deadlines dictate our conduct and that we continue the work at hand and when the project is complete and acceptable to the informed town residents, then, and only then, we submit the proposed plan to the state.

DO NOT FEAR THE BIG BAD WOLF

Let's remember: state law specifically states that the plan does not have to be implemented at the time of the plan submission. Second, state law provides that this is just a proposal, nothing more and nothing less. Third, state law provides for extensions of time. Fourth, this is not a situation where we appealed the initial unit designation from the state, were turned down, and are now begging for more concessions. To the contrary, the town has willingly accepted the designation and is doing everything within its power to comply. Fifth, once the plan is presented and it is apparent that it is in keeping with the state mandate and that good progress is being made to implement it, is there anything that the state can or would want to do except work with us in a continued cooperative fashion?

A footnote: much of what I say here requires an opinion of counsel. Fortunately, we have a town attorney who can actively assist in the process. Throughout this discussion, when I see a legal issue that needs comment I will designate it with: "**ask our lawyer.**"

What do the Town Residents Want?

From the recent town survey conducted by the Ad Hoc Housing Committee and the comments of the more than 100 residents attending the 2/28/2022 committee meeting, the expressed wishes of the town's residents are:

1. Protect and preserve the scenic corridors along Alpine and Portola Road.
2. Protect and preserve the existing commercial establishments in this town.
3. Encourage the continued construction of ADUs by streamlining the process
4. Do not build high density housing in the town such as apartment buildings and the like.
5. Do not rezone occupied single family residences against the wishes of their owners.

The Possible Solutions:

1. Increase the number of ADUs.
2. Make vacant land owned by the town available for development.
3. Acquire privately owned vacant land through donations or purchases that can be made available for development.
3. Expand the use of existing commercial properties within the town to include housing, through mixed use zoning.
4. "Upzone" some or all of the single family homes in town against the wishes of the owners in order to permit construction of as many as 20 housing units per one acre lot (a draconian measure favored by virtually no one).

The Measuring Stick For All of the Proposals

All of the proposals must be measured with the following considerations in mind:

1. Is the conduct contemplated by the proposal voluntary or coerced?
2. Is the proposal likely to increase the density of housing in a way that reduces the beneficial enjoyment of the homes already owned by the town's residents?
3. Is the proposal likely to cause the monetary value of existing single family residences to be reduced?
4. Is the proposal likely to increase the already existing fire hazards within the town and associated need to exit in a timely and safe uncongested fashion?
5. To the extent that increased housing is perceived as a burden rather than an opportunity does the proposal spread the burden equally throughout the town's residents or does it target a small segment of the population to shoulder what, equitably, should be the responsibility of all 1700 homeowners?

Accessory Dwelling Units

Additional ADUs are, I believe, the very best opportunity to satisfy the state's mandate. ADUs meet all of the above criteria. They are voluntarily undertaken, the density increase is minimal and spread throughout the town, the ADUs will likely increase the value of the homes that contain them and will not negatively affect either the value or enjoyment of neighboring homes. Here's how we get there:

1. Adopt pre-approved plans for the development of ADUs. This is what the Town of Piedmont did. This will eliminate the current beauracratc nightmare (as Bill Kelly calls it, the "Routine Torture") of getting a plan approved by this town. Many residents have complained of an extraordinarily costly (above \$100,000) and time consuming (exceeding one year) process just to get approval of a plan before breaking ground. At the last Ad Hoc Housing Committee Meeting Laura Russell said that she did not know what else to do because the process had already been streamlined, and we still want to look at all geologic and fire hazards and don't want to lose "control" (not sure what she meant by this) over the process. I submit that there are still creative ways to further streamline this process without compromising safety. As for fire dangers, how can we contemplate putting 20 housing units on a single acre and then find it so troubling that someone might put a single 800 square foot fire retardant ADU on that same acre? Time to think out of the box.

2. Incentivize all of us to develop ADUs. This state's health and safety code requires that cities and counties develop a plan as part of their Housing Element that incentivizes and promotes the creation of ADUs that are offered as affordable rent for very-low, low, and moderate income households. I previously suggested that an emergency letter be sent to every member of the town advising them of the following:

A. the state's plan for forced increased housing.

B. the opportunity to turn this into a benefit by encouraging all homeowners to develop an ADU through a streamlined process with three possible pre-approved plans eliminating the expensive and time consuming process for plan approval and that increased ADUs will benefit all of those who work and serve us but cannot afford to live here----i.e. teachers, firefighters, police, store clerks,

C. offer a cash reimbursement of \$25,000 for each homeowner who constructs such an ADU which will help defray the cost of architectural plans and construction.

As to "C" above, the town has almost \$4.0 million in cash that can be used for this purpose. If 100 residents construct an ADU, that would cost \$2.5 million and, likely, solve the housing crisis. Further to this point, the Cal HFA ADU Grant Program provides grants to reimburse homeowners for pre-development costs associated with the construction of an ADU. Under this program, the California Housing Finance Agency (Cal HFA) will review the submission package and

contribute up to \$25,000 directly to construction escrow. The funds can be used to reimburse borrowers for eligible costs, including but not limited to architectural designs, permits, soil test, impact fees, property survey and energy reports. Finally, the Local Housing Trust Fund Program can provide matching funds to local housing trust funds (think the almost \$4.0 million) this town possesses. Eligible uses include the construction of ADUs or JADUs. Previously, with respect to the LHTF Program, I suggested that the housing committee reach out.

3. Contact any number of local builders and ask them if there is a cost benefit to constructing 20, 30, or more ADUs of the same plan type at the same time? Think economy of scale.

I never received a formal or informal response from the housing committee to these prior proposals by me; which brings up another point. By letter, weekly staff report or any other form of written communication, the housing committee must:

I. Respond meaningfully in writing to each suggestion of the town residents to solving the housing crisis.

2. Advise of the status of all investigations being conducted by the housing committee to explore housing alternatives and the result(s) of those ongoing investigations.

THIS IS THE ONLY WAY TO HAVE AN INFORMED ELECTORATE AND ENSURE ALL OF US THAT THE COMMITTEE AND THE PLANNING DEPARTMENT ARE DOING EVERYTHING WITHIN THEIR POWER TO SOLVING THIS PROBLEM.

Ask our lawyer: what does the state require in order to qualify a proposed ADU as part of the 253 requirement: a formal application for permission to construct an ADU or a letter of intent or something else? (I believe that no deed restriction is required, true?)

VACANT LAND OWNED BY THE TOWN

There are multiple sites of vacant land owned by the town--Rosatti field, Ford Field, Town Center, Blue Oaks acreage, part of Spring Down, just to name a few. Considering the constraints outlined above, this may be an equally good solution to the crisis as expanding the ADUs. Almost all of these sites are geographically removed from the central housing locales within Portola Valley so that their development will not interfere with the existing homeowners' peaceful enjoyment of their homes nor is there any likelihood that the development of one or more of these parcels will have an affect on the monetary value of existing homes. Many of these sites are geographically located near Alpine and Portola Road, making for easy transportation ingress and egress, so necessary when there is an evacuation emergency.

In the Staff Report from the town dated September 27, 2017 there is a listing of 34 vacant properties owned by the Town. That report says that "the four that may be worth a further examination are: Town Center, Town-owned property adjacent to Ford Field, Blue Oaks subdivision remnant property on Los Trancos Road, Road Right-of-Way along the Alpine Road adjacent to Corte Madera School."

There are more than these four candidates. For many suitable parcels referenced in the September 27, 2017 report, they were rejected because of designation of the lands as "Open Space." What is not at all clear are the following:

1. Was the designation of any of the parcels as "Open Space" a designation that the town made that the town, itself, could reverse and use for affordable housing in the current crisis? **(ask our lawyer)**

2. To the extent that the land grantors deeded the land with an open space declaration and assuming that it is otherwise binding **(ask our lawyer)** wouldn't it make sense to ask the grantors to remove or revise the open space designation in light of the current housing crisis? Although I never received a response to this earlier suggestion from me, a different town resident raised it at the March 21, 2022 housing committee meeting. Laura Russell said, "I'm not aware of anyone making any phone calls to any of the grantors, but they probably wouldn't agree anyway since they gave the land as open space." My humble suggestion: PICK UP THE PHONE.

3. Contact any of the numerous local developers to determine the feasibility of constructing affordable housing units on the vacant lands with specifics as to the type of structure, number of units possible and likely development costs. Just like the "no calls" to those who deeded land to the town in number 2 above, I don't know that the town planners have contacted anyone.

4. Work with possible developers to develop a firm plan for sale of the land and development through the process outlined in Government Code Section 54220 (Surplus Land Act). Under this act an agency has been created to facilitate the sale and development of designated surplus land.

5. Contact the Local Housing Trust Fund to determine if matching dollar for dollar funds would be available for the town's acquisition of additional lands or as builder incentives.

Once again, I have no idea if any of the above suggestions are being implemented.

IS THERE A BIAS AGAINST USING TOWN OWNED VACANT LANDS?

After 40 years of practicing law I've developed some modest skills at reading between the lines. I am developing a sense that, despite everything said above, there is a bias in the ad hoc housing committee against using vacant lands for increased housing. I'm the first to admit that I could be terribly wrong but the inaction and negativity that I observe makes me wonder.

MIXED USE COMMERCIAL

I am not aware of any attempt by the planning commission or the ad hoc housing committee to reach out to the owners of commercial space to discuss adding housing (think Santana Row) to the existing space or the committee considering re-zoning the space for mixed use. A status and feasibility report would be helpful. Since, for the most part, the commercial centers of town are removed from concentrated housing centers, a further development would not cause harm, economic or land use enjoyment, to existing homeowners.

Upzoning Privately Owned Vacant Land

This is a possibility. There are multiple sites of privately owned lands that would be suitable for development. I am told that the town is reaching out to some of these property owners. This is not the best option but certainly better than upzoning existing single family homes (discussed below). Upzoning privately owned vacant land might result in increased density and might, conceivably interfere with the neighbors enjoyment of their properties but the upzoning of the vacant lands might actually increase the value of the lands.

Upzoning Single Family Residences

This is the worst option of all for a number of reasons:

1. It is forced, not voluntary.

2. It will destroy the character of any neighborhood to which the designation is attached. 20 unit apartment buildings do not mix with single family residences.

3. It will substantially reduce the value of those single family residences that are upzoned and cannot be expanded, have an ADU added or rebuild on the destruction by fire or earthquake of the home itself. Further, no one seeking a

single family home is going to buy one that has been upzoned with all of the attendant limitations. As for sale to developers, there is absolutely no evidence that upzoning single family residences valued at \$4-\$7 million will increase the value of the residences (even assuming you could ever find a developer willing to invest that sum only to tear it down and construct low cost housing). One knowledgeable town resident has estimated that the reduction in value to the Nathhorst Triangle proposed rezoning is between \$30 and \$40 million.

4. It will substantially reduce the value of the homes of the neighbors of single family residences that are upzoned. Those seeking to move into Portola Valley will not be interested in purchasing a home that is across the street from a 20 unit apartment building or if they were, the price to be paid will be substantially less than if that apartment building were not there.

4. It will substantially reduce the beneficial enjoyment of single family residences of those who are neighbors to upzoned parcels. Consider the noise, dust, traffic congestion, etc. that exists when your neighbor across the street constructs a 20 unit apartment building over 2-3 years.

5. It deprives the targeted homes and their neighbors from securing the fair market value of their homes if they choose to sell. Many of the homeowners in this town are senior citizens who have occupied their homes for decades. If they felt compelled to sell because their home had been targeted or they were an affected neighbor, the capital gains taxes would be in the millions. In any attempted sale to developers, this would be an added cost that the homeowners would extract before selling (another reason why no sale to developers would ever occur, thus defeating the goal of providing affordable housing).

6. Upzoning a single neighborhood flies in the face of the specific admonition from the state that increased housing should be spread throughout the town and not concentrated in one neighborhood (**ask our lawyer**).

The Nathhorst Triangle/Applewood Debacle

It started horribly, and then got worse. The Ad Hoc Committee, at its 2/22 meeting stated that, at the next meeting it was going to vote on upzoning a number of specified homes in the Nathhorst Triangle. This is what is known:

1. Absolutely no notice was given by the committee to those homeowners prior to the 2/28 meeting. At the 2/28 meeting the chair of the committee apologized and said that the agenda for the meeting should have said that there was only going to be a "discussion" and not a vote.

2. Absolutely no written analysis of any kind was done of the proposed sites to determine their viability for upzoning to a 20 unit apartment building or related complex. Contrast the town's required analysis before it will approve an 800

square foot ADU. No explanation was given as to why some homes were included for upzoning and others were not. There was no rational basis for any of the committee's conduct.

3. Then the mayor got involved. After the "meet the mayor" meeting he had issued newspaper-reported negative statements of one homeowner whose property had been targeted for upzoning. What followed was a written response from that homeowner along with one or more responsive emails from other homeowners who were in attendance at the meet the mayor meeting. The mayor's recitation of the events of that meeting were rebutted in the responsive emails. The mayor then responded further with an additional email, in essence doubling down on his earlier reported comments. This town council will be acting in a quasi-judicial fashion when it votes on the ultimate housing element plan to be submitted to the state. Town council members must remain neutral and unbiased in quasi-judicial matters. When they fail to do so they must recuse themselves from further consideration of the matter or from voting on the matter. **(ask our lawyer)**. It is essential for the integrity of the vote by the council that any biased council member be recused because if not, any action taken by the council will be nullified (even if the vote of the biased council member did not change the outcome) **(ask our lawyer)**. It is clear from the newspaper article and the subsequent communications from the mayor that he has developed an animus towards more than one of the homeowners in the Nathhorst Triangle. For the good of everyone the mayor should voluntarily recuse himself.

To the merits, the proposed upzoning of the Nathhorst Triangle is contrary to law and will not satisfy the state requirements for the housing element **(ask our lawyer)**

1. The state admonishes the cities and towns to spread the responsibility for housing across the town itself and not isolate it in one neighborhood.

2. The state mandates that whenever a town or city wants to include a particular site in its required allotment and that site is not vacant the town has an affirmative duty to explain why there is a reasonable likelihood that the property will actually be available for development during the applicable cycle. Here, all of the affected homeowners have signed affidavits under penalty of perjury stating they will not be moving during the cycle. Those affidavits are admissible in evidence **(ask our lawyer)**. There is no contrary evidence to present to the state. Even the mayor himself at the "meet the mayor" meeting acknowledged that the state may not accept any such designation but, in defense he said, "well those affidavits didn't "guarantee" that the residents would not move. The affidavits and their evidentiary value speak for themselves. Including these homes in the 253 required allotment, in the face of the affidavits violates the law **(ask our lawyer)**. The law provides a private cause of action against the town when this takes place.

3. Nobody wants to sue the town. And, yes, if suits are filed, the legal costs to the town will likely be in the millions and if the private parties succeed, it is possible that the town will have to pay their fees. All of this may be in addition to actions for inverse condemnation **(ask our lawyer)**. Meanwhile, while the litigation progresses over years there will be no building of low cost housing. Who benefits and who suffers?

Maybe we should just upzone all of Portola Valley to R-3???

Let's all head in another direction.

Bill Russell

Dylan Parker

From: Cara E. Silver
Sent: Sunday, March 27, 2022 2:46 PM
To: Celeste Ford
Cc: Bill Russell; Jeff Booth; Bob Adams; robert allen; Caryl Russell; jamie koblick; Greg Franklin; Tammy Cole; housing; Kevin Ford; ellen vernazza; Jeremy Dennis; Laura Russell
Subject: RE: Portola Valley Housing Crisis

Thank you for passing this on, Celeste. Mill Valley and Santa Cruz have reputations for rolling out many progressive ADU programs. The Council discussed a new ADU program last year. In Portola Valley the constraints around ADUs are threefold: (1) WFPD has expressed concerns about adding density to certain neighborhoods due to evacuation and fire hazards; (2) new state law allows ADUs to be built with 4 foot setbacks and some residents have expressed concerns with respect to privacy and structure to structure fire spread; and (3) HCD is being more strict about counting ADUs towards our lower income allocation – as you point out a deed restriction limiting the use to lower income tenants may help persuade HCD. As you can see, there is no easy solution here, but keep the ideas flowing!

Thanks again,
Cara

Cara E. Silver (she/her)
Jorgenson, Siegel, McClure & Flegel, LLP
1100 Alma Street, Suite 210
Menlo Park, CA 94025
(650) 324-9300
jsmf.com

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From: Celeste Ford
Sent: Saturday, March 26, 2022 4:44 AM
To: Cara E. Silver
Cc:

Subject: Re: Portola Valley Housing Crisis

In the spirit of pitching in, Kevin and I heard today that Mill Valley has implemented something along the lines of #3. I don't know the detail but there are financial rewards/support of construction if you build or have an ADU and agree to use it for this purpose for some period of time (5 years?). Maybe they have a town council we could contact for benchmark data?

Best
Celeste

Celeste Volz Ford

Board Chair and Founder

Stellar Solutions, Inc.

Mobile: [650-270-9816](tel:650-270-9816)

cford@stellarsolutions.com

www.stellarsolutions.com



On Mar 26, 2022, at 1:53 AM, Cara E. Silver <ces@jsmf.com> wrote:

[EXTERNAL] This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Bill,

Thanks for your email and especially for your offer to help. Portola Valley has a rich history of volunteerism and it is much appreciated. I discussed the three specific projects with Laura and we agree all of them would help move the ball forward. From our perspective the first project could be undertaken immediately, whereas the other two will need some more policy work from the Committee (and perhaps Council) before implementing.

We have some specific properties in mind for the open space amendments and could definitely benefit from some help. Could we talk on Monday afternoon or Tuesday morning?

Thanks and have a wonderful weekend.

-Cara

Cara E. Silver (she/her)
Jorgenson, Siegel, McClure & Flegel, LLP
1100 Alma Street, Suite 210
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From: Bill Russell
Sent: Thursday, March 24, 2022 6:06 PM
To: Cara E. Silver

Cc: jdennis (jdennis@portolavalley.net) <jdennis@portolavalley.net>; Laura Russell <lrussell@portolavalley.net>

Subject: Re: FW: Portola Valley Housing Crisis

Cara, thank you for your prompt response to what I wrote. And much thanks to both you and Laura for all of the work that the two of you obviously did to put together last night's presentation. Your outline of steps going forward, "The Big 8" makes sense. There is an enormous amount of work to be done. And there are many in this town, including Caryl and me, who would be willing to assist. Consider the following tasks that the planning department may not have the time to investigate that could be delegated to town volunteers:

1. Contacting the grantors of open space land and asking them if they would be willing to alter the deed restrictions enough to allow for some affordable housing.

2. Contacting developers specializing in low and moderate housing construction to discuss the viability of developing town owned vacant land, e.g. EAH Housing that is developing 90 studio to 3-bedroom moderate/low income housing units for Los Altos.

3. Preparing and distributing an information kit to all town residents encouraging them to develop an ADU. At your suggestion I went to the link on ADUs to determine what one must show to have an ADU site recognized by the state as part of the 253 unit requirement. This is what I learned:

(i) Government Code Section 65583.1(a) allows a city to identify sites for ADUs based on the number of ADUs developed in the prior housing element planning period, as explained by Laura at last night's meeting. However, there is nothing in that statute or any other I could find that limits site designation to the ADUs constructed in the prior housing element period. In fact, the explanatory material to which you referred me says "...To rely on ADUs or JADUs as part of an overall sites strategythe element must include an estimate of the potential number of these units to be developed in the planning period based on an an analysis that considers the following factors:

- 1.the number of ADUs or JADUs developed in the prior planning period;
2. the community need for these types of housing units.
3. the resources and/or incentives available that will encourage the development of ADUs; and
4. the availability of ADUs and JADUs that will be part of the rental stock, rather than used as offices or guest houses.....
6. other relevant factors as determined by HCD.

In other words, if a number of town residents wrote to the town stating their wish to develop an ADU on their property, there seems to be no reason why that information could not be passed along to the state and included in an ADU inventory.

It is clear that HCD is strongly in favor of ADUs. From that same material to which you referred me there is a list of things that local governments can do to encourage ADUs:

1. "Develop information packets to market ADU construction. A packet could include materials for ADUs application, explain the application process, and describe incentives to promote their development."
2. "Advertise ADUs development opportunities to homeowners on the community's web site, community and senior centers, in community newsletters, and in local utility bills, etc."
3. "Establish and maintain an ADUs specialist in the current planning division to assist in processing and approving ADUs."
4. "Establish flexible zoning requirements, development standards, processing and fee incentives that facilitate the creation of ADUs (Government Code Section 65852.2(g). Incentives include reduced parking requirements...tandem parking,...pre-approved building plans or design prototypes..."

Such an informational packet could reference CalHFAs ADU Grant Program that will provide up to \$25,000 in assistance to reimburse homeowners for pre-development costs necessary to build and occupy an ADU and the Local Housing Trust Fund Program that offers matching funds to local and regional housing trust funds and are available for the construction of ADUs or JADUs. I have previously suggested using some of the town's almost \$4.0 million to incentivize homeowners to develop ADUs (\$25,000 in construction escrow per homeowner) but I've not received comment on this from anyone.

Those same written materials showcase the City of Santa Cruz' "Accessory Dwelling Unit (ADU) Development Program," and reads "Through the ADU Development Program, the City of Santa Cruz offers technical and financial assistance including an ADU manual detailing the development process, relevant zoning, design standards, building codes and showcases of ADU prototype designs."

There is so much that can be done if we pool all of our resources.

(A brief comment on recusal: we will have to agree to disagree. You write "If the mayor reported statements of residences requesting to be upzoned to increase their property values, would that be considered animus?" Of course not, because (I) the statements themselves are not derogatory or inflammatory, (2) the statements, in your hypo, assume that they were the actual statements made by homeowners whereas here, the statements that the mayor claims were made to him were not actually made to him according to others in attendance at the meeting and, (iii) the statements that the mayor says were made, but weren't, are aggressive and inflammatory and their attribution exhibits bias and animus. As Supreme Court Justice Stewart said in a somewhat different context, but applicable to "bias" and "animus," " I can't define it but I know it when I see it."

One clarification: I don't represent anyone and if there is litigation I won't be representing anyone so this should not be an impediment to your communicating with me. I just want to help and hope that you and/or Laura will address some of the points of this email so that we can move forward positively.

Bill

On Thu, Mar 24, 2022 at 1:41 PM Cara E. Silver

wrote:

Hi Bill,

Thanks for your constructive suggestions on satisfying the Town's RHNA suggestions. Based on the Council's direction last night, most of these suggestions will be analyzed in more detail as part of the Town's ongoing process.

I noticed your email requested the Town Attorney to provide advice and legal opinions on various issues. As you probably know, the Town Attorney answers to the Town Council, not to individual residents. Also given the discussion of possible lawsuits against the Town, it would be inappropriate for me to provide advice directly to you or the group of residents you represent. That said, here is a [link](#) to housing element resources published by HCD. These resources should answer most of your questions. As we have said many times, the regulations in this area are new and the law is continuing to evolve.

I also wanted to respond to your request that Mayor Hughes recuse himself. I believe you are referencing the common law bias principle which indeed only applies to quasi-judicial decisions. Adoption of housing elements and zoning codes have been held to be legislative, not quasi-judicial, decisions and therefore this principle does not apply. Even if this were a quasi-judicial decision, the Mayor's simple recitation of statements made by fellow residents would not constitute a "bias" or "animus". If the Mayor reported statements of residents requesting to be upzoned to increase their property values, would that be considered animus?

I hope you do not construe my communication as confrontational. I do not intend it to be and I sincerely appreciate your engagement on this issue. These are tough issues and we all benefit from thought leadership. I hope this clarifies some of the issues and that we can continue to debate these policy issues in a respectful, informed manner.

Thanks,

Cara Silver

Town Attorney

Cara E. Silver (she/her)

Jorgenson, Siegel, McClure & Flegel, LLP

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From: Bill Russell

Sent: Wednesday, March 23, 2022 1:52 PM

To:

ousing <housing@portolavalley.net>

Subject: Portola Valley Housing Crisis

Introduction:

"They paved paradise and put up a parking lot

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And then they charged the people a dollar and a half to see them

No, no, no

Don't it always seem to go

That you don't know what you got 'till it's gone

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Joni Mitchell

"It's a beautiful day in this neighborhood

A beautiful day for a neighbor

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Fred Rodgers (deceased)

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Portola Valley faces a crisis not of its own making. The State of California has mandated that this town submit a proposal for 253 dwellings to meet the state's need for additional reduced cost housing. And, to compound this already difficult task, the state has demanded that a preliminary report be produced within the next 5 1/2 months (although I was recently advised the town, along with other towns and cities within our county, are seeking an extension of time to produce the required plans.) The town is working diligently to complete this task. I submit that we must not let arbitrary deadlines dictate our conduct and that we continue the work at hand and when the project is complete and acceptable to the informed town residents, then, and only then, we submit the proposed plan to the state.

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Once again, I have no idea if any of the above suggestions are being implemented.

IS THERE A BIAS AGAINST USING TOWN OWNED VACANT LANDS?

After 40 years of practicing law I've developed some modest skills at reading between the lines. I am developing a sense that, despite everything said above, there is a bias in the ad hoc housing committee against using vacant lands for increased housing. I'm the first to admit that I could be terribly wrong but the inaction and negativity that I observe makes me wonder.

MIXED USE COMMERCIAL

I am not aware of any attempt by the planning commission or the ad hoc housing committee to reach out to the owners of commercial space to discuss adding housing (think Santana Row) to the existing space or the committee considering re-zoning the space for mixed use. A status and feasibility report would be helpful. Since, for the most part, the commercial centers of town are removed from concentrated housing centers, a further development would not cause harm, economic or land use enjoyment, to existing homeowners.

Upzoning Privately Owned Vacant Land

This is a possibility. There are multiple sites of privately owned lands that would be suitable for development. I am told that the town is reaching out to some of these property owners. This is not the best option but certainly better than upzoning existing single family homes (discussed below). Upzoning privately owned vacant land might result in increased density and might, conceivably interfere with the neighbors enjoyment of their properties but the upzoning of the vacant lands might actually increase the value of the lands.

Upzoning Single Family Residences

This is the worst option of all for a number of reasons:

1. It is forced, not voluntary.
2. It will destroy the character of any neighborhood to which the designation is attached. 20 unit apartment buildings do not mix with single family residences.
3. It will substantially reduce the value of those single family residences that are upzoned and cannot be expanded, have an ADU added or rebuild on the destruction by fire or earthquake of the home itself. Further, no one seeking a single family home is going to buy one that has been upzoned with all of the attendant limitations. As for sale to developers, there is absolutely no evidence that upzoning single family residences valued at \$4-\$7 million will increase the value of the residences (even assuming you could ever find a developer willing to invest that sum only to tear it down and construct

low cost housing). One knowledgeable town resident has estimated that the reduction in value to the Nathhorst Triangle proposed rezoning is between \$30 and \$40 million.

4. It will substantially reduce the value of the homes of the neighbors of single family residences that are upzoned. Those seeking to move into Portola Valley will not be interested in purchasing a home that is across the street from a 20 unit apartment building or if they were, the price to be paid will be substantially less than if that apartment building were not there.

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6. Upzoning a single neighborhood flies in the face of the specific admonition from the state that increased housing should be spread throughout the town and not concentrated in one neighborhood **(ask our lawyer)**.

The Nathhorst Triangle/Applewood Debacle

It started horribly, and then got worse. The Ad Hoc Committee, at its 2/22 meeting stated that, at the next meeting it was going to vote on upzoning a number of specified homes in the Nathhorst Triangle. This is what is known:

1. Absolutely no notice was given by the committee to those homeowners prior to the 2/28 meeting. At the 2/28 meeting the chair of the committee apologized and said that the agenda for the meeting should have said that there was only going to be a "discussion" and not a vote.

2. Absolutely no written analysis of any kind was done of the proposed sites to determine their viability for upzoning to a 20 unit apartment building or related complex. Contrast the town's required

analysis before it will approve an 800 square foot ADU. No explanation was given as to why some homes were included for upzoning and others were not. There was no rational basis for any of the committee's conduct.

3. Then the mayor got involved. After the "meet the mayor" meeting he had issued newspaper-reported negative statements of one homeowner whose property had been targeted for upzoning. What followed was a written response from that homeowner along with one or more responsive emails from other homeowners who were in attendance at the meet the mayor meeting. The mayor's recitation of the events of that meeting were rebutted in the responsive emails. The mayor then responded further with an additional email, in essence doubling down on his earlier reported comments. This town council will be acting in a quasi-judicial fashion when it votes on the ultimate housing element plan to be submitted to the state. Town council members must remain neutral and unbiased in quasi-judicial matters. When they fail to do so they must recuse themselves from further consideration of the matter or from voting on the matter. **(ask our lawyer)**. It is essential for the integrity of the vote by the council that any biased council member be recused because if not, any action taken by the council will be nullified (even if the vote of the biased council member did not change the outcome) **(ask our lawyer)**. It is clear from the newspaper article and the subsequent communications from the mayor that he has developed an animus towards more than one of the homeowners in the Nathhorst Triangle. For the good of everyone the mayor should voluntarily recuse himself.

To the merits, the proposed upzoning of the Nathhorst Triangle is contrary to law and will not satisfy the state requirements for the housing element **(ask our lawyer)**

1. The state admonishes the cities and towns to spread the responsibility for housing across the town itself and not isolate it in one neighborhood.

2. The state mandates that whenever a town or city wants to include a particular site in its required allotment and that site is not vacant the town has an affirmative duty to explain why there is a reasonable likelihood that the property will actually be available for development during the applicable cycle. Here, all of the affected homeowners have signed affidavits under penalty of perjury stating they will not be moving during the cycle. Those affidavits are admissible in evidence **(ask our lawyer)**. There is no contrary evidence to present to the state. Even the mayor himself at the "meet the mayor" meeting acknowledged that the state may not accept any such designation but, in defense he said, "well those affidavits didn't "guarantee" that the residents would not move. The affidavits and their evidentiary value speak for themselves. Including these homes in the 253 required allotment, in the face of the affidavits violates the law **(ask our lawyer)**. The law provides a private cause of action against the town when this takes place.

3. Nobody wants to sue the town. And, yes, if suits are filed, the legal costs to the town will likely be in the millions and if the private parties succeed, it is possible that the town will have to pay their fees. All of this may be in addition to actions for inverse condemnation **(ask our lawyer)**. Meanwhile, while the

litigation progresses over years there will be no building of low cost housing. Who benefits and who suffers?

Maybe we should just upzone all of Portola Valley to R-3???

Let's all head in another direction.

Bill Russell

Dylan Parker

From: Bill Russell
Sent: Wednesday, March 23, 2022 8:13 PM
To: Cara Silver; Craig Hughes; John Richards; Jeff Aalfs; Sarah Wernikoff; Maryann Moise Derwin; pvforum@groups.io; main@pvforum.us; PVForum Group Moderators; Housing; Town Center; Laura Russell; Jeremy Dennis; Bob Turcott
Subject: Fwd: Portola Valley Housing Crisis

Friends and Neighbors,

The special meeting agenda for March 23, 2022 reads "Meeting Participants are encouraged to submit public comments in writing in advance of the meeting. Please send an email to shalon@portolavalley.net by 3:00 pm on the day of the meeting. " It was sent at 2:00 pm. In the zoom call it was suggested that I should have sent it to "Attention Town Council." No such instruction is contained in the Special Meeting Agenda. Be that as it may, here it is again.

Bill Russell

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

From: Bill Russell
Date: Wed, Mar 23, 2022 at 1:52 PM
Subject: Portola Valley Housing Crisis
To:

housing@portolavalley.net>

Introduction:

"They paved paradise and put up a parking lot
They took all the trees, and put em in a tree museum
And then they charged the people a dollar and a half to see them
No, no, no
Don't it always seem to go
That you don't know what you got 'till it's gone
They paved paradise and put up a parking lot."

Joni Mitchell

"It's a beautiful day in this neighborhood
A beautiful day for a neighbor
Would you be mine?"

Could you be mine?

Fred Rodgers (deceased)

The Crisis

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6. Upzoning a single neighborhood flies in the face of the specific admonition from the state that increased housing should be spread throughout the town and not concentrated in one neighborhood (**ask our lawyer**).

The Nathhorst Triangle/Applewood Debacle

It started horribly, and then got worse. The Ad Hoc Committee, at its 2/22 meeting stated that, at the next meeting it was going to vote on upzoning a number of specified homes in the Nathhorst Triangle. This is what is known:

1. Absolutely no notice was given by the committee to those homeowners prior to the 2/28 meeting. At the 2/28 meeting the chair of the committee apologized and said that the agenda for the meeting should have said that there was only going to be a "discussion" and not a vote.
2. Absolutely no written analysis of any kind was done of the proposed sites to determine their viability for upzoning to a 20 unit apartment building or related complex. Contrast the town's required analysis before it will approve an 800 square foot ADU. No explanation was given as to why some homes were included for upzoning and others were not. There was no rational basis for any of the committee's conduct.
3. Then the mayor got involved. After the "meet the mayor" meeting he had issued newspaper-reported negative statements of one homeowner whose property had been targeted for upzoning. What followed was a written response from that homeowner along with one or more responsive emails from other homeowners who were in attendance at the meet the mayor meeting. The mayor's recitation of the events of that meeting were rebutted in the responsive emails. The mayor then responded further with an additional email, in essence doubling down on his earlier reported comments. This town council will be acting in a quasi-judicial fashion when it votes on the ultimate housing element plan to be submitted to the state. Town council members must remain neutral and unbiased in quasi-judicial matters. When they fail to do so they must recuse themselves from further consideration of the matter or from voting on the matter. **(ask our lawyer)**. It is essential for the integrity of the vote by the council that any biased council member be recused because if not, any action taken by the council will be nullified (even if the vote of the biased council member did not change the outcome) **(ask our lawyer)**. It is clear from the newspaper article and the subsequent communications from the mayor that he has developed an animus towards more than one of the homeowners in the Nathhorst Triangle. For the good of everyone the mayor should voluntarily recuse himself.

To the merits, the proposed upzoning of the Nathhorst Triangle is contrary to law and will not satisfy the state requirements for the housing element **(ask our lawyer)**

1. The state admonishes the cities and towns to spread the responsibility for housing across the town itself and not isolate it in one neighborhood.
2. The state mandates that whenever a town or city wants to include a particular site in its required allotment and that site is not vacant the town has an affirmative duty to explain why there is a reasonable likelihood that the property will actually be available for development during the applicable cycle. Here, all of the affected homeowners have signed affidavits under penalty of perjury stating they will not be moving during the cycle. Those affidavits are admissible in evidence **(ask our lawyer)**. There is no contrary evidence to present to the state. Even the mayor himself at the "meet the mayor" meeting acknowledged that the state may not accept any such designation but, in defense he said, "well those affidavits didn't "guarantee" that the residents would not move. The affidavits and their evidentiary value speak for themselves. Including these homes in the 253 required allotment, in the face of the affidavits violates the law **(ask our lawyer)**. The law provides a private cause of action against the town when this takes place.
3. Nobody wants to sue the town. And, yes, if suits are filed, the legal costs to the town will likely be in the millions and if the private parties succeed, it is possible that the town will have to pay their fees. All of this may be in addition to actions for inverse condemnation **(ask our lawyer)**. Meanwhile, while the litigation progresses over years there will be no building of low cost housing. Who benefits and who suffers?

Maybe we should just upzone all of Portola Valley to R-3???

Let's all head in another direction.

Bill Russell

Dylan Parker

From: Bob Adams
Sent: Tuesday, April 5, 2022 10:28 PM
To: housing
Subject: R3 does not need to go into owner occupied neighborhoods - see below.

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 year-end.

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>

Dylan Parker

From: Bob Adams
Sent: Sunday, April 10, 2022 6:53 PM
To: housing
Subject: Where to put Apartments in Portola Valley?

Since California tells us that PV must build 253 new units over 8 years, some of these units will likely be apartments/condos. Since no neighborhood likely wants these multifamily structures, where should they go? It will likely take four acres to build enough apartments.

Some preferred location criteria:

- Try not to displace currently occupied homes
- Locate close to town exits for emergency evacuation
- Have utilities available – sewer, power, water.
- Locate close to stores to minimize car trips
- Try to minimize the impact on our wonderful rural town

There are currently 3 properties that meet all of these criteria and two are owned by Stanford. The three properties are the Stanford Wedge, Stanford's Glen Oaks (east of Arastradero on Alpine Road) and the 5.5-acre lot next to Ford Field (not the diamond itself or the parking area).

If Stanford agrees to build multi-family homes, those two areas could greatly help us meet our housing requirement. Even if they build two or three 20 unit buildings, we could likely meet the State's requirements with little impact on 'rural' character.

If Stanford does not want to build there are two good town-owned property options. Blue Oaks park – 13 undeveloped acres across Los Trancos road from the Blue Oaks development. This location meets 3 of the 5 criteria listed above. There is plenty of land – 9 buildable acres, when only 4 are needed.

Of the town owned properties, the best one is the 5.5 acre property next to the Ford Field diamond and parking lot. This area affects no current homeowners, is close to services, is close to 280 for evacuation, and has water, sewer and power.

While there may be some limitations for any of these properties such as setbacks, open space, or zoning – remember that if the Town Council established the space designation, the setbacks, or other limitations, this Town Council can change any of these conditions. The proposed R1 to R3 zoning is a good example of changing conditions under the Council's control.

If the Council wants to pick a lightly populated neighborhood for development the five properties at the end of Georgia Lane are ideal. These properties include open land, a few homes, and some dilapidated structures, over about 17 acres. These lands have services and 3 evacuation exits - Georgia Lane, Grove, and Shawnee Pass.

Remember if the Town designated setbacks, zoning, or open space, the Town Council can change these designations if there is a greater need.

You are encouraged to attend the Ad Hoc Housing Committee meeting April 18, 2022 at 4:30. The agenda and zoom access will be posted 3 days before the meeting at portolavalley.net under 'calendar'.

Dylan Parker

From: Chuck R. Reed
Sent: Monday, April 11, 2022 10:32 AM
To: Cara Silver
Cc: Jeremy Dennis; Laura Russell; housing; Town Center; Craig Hughes; John Richards; Jeff Aalfs; Sarah Wernikoff; Maryann Moise Derwin; robert allen
Subject: RE: Housing Element Update

Cara,

Thank you for taking the time for a call to discuss this matter. The Allen family appreciate your acknowledgment of the difficulties the process has generated for the Town and in particular for the residents in the Applewood/Nathhorst neighborhood.

Also, thanks for the partial response to my Public Records Act request. I look forward to receiving the rest of the documents when they are available.

I agree that your objective has to be the submission of a legally compliant Housing Element. However, the inclusion of “nonvacant” single family homes will not be legally compliant. Relying on unbelievable locations has been rejected by HCD multiple times in Southern California. Continuing to move in that direction will create a fatal flaw in the Housing Element. For example, consider the guidance published by the HCD on “nonvacant” parcels in their **Housing Element Site Inventory Guidebook**, at page 24:

“Local governments with limited vacant land resources or with infill and reuse goals may rely on the potential for new residential development on nonvacant sites, including underutilized sites, to accommodate their RHNA. Examples include:

- Sites with obsolete uses that have the potential for redevelopment, such as a vacant restaurant.
- Nonvacant publicly owned surplus or excess land; portions of blighted areas with abandoned or vacant buildings.
- Existing high opportunity developed areas with mixed-used potential.
- Nonvacant substandard or irregular lots that could be consolidated.
- Any other suitable underutilized land.”

The Applewood/Nathhorst neighborhood of owner occupied single family homes are none of those. The Applewood/Nathhorst homes do not have a realistic development potential during the planning period. That will be obvious when the Town completes any analysis using the nonvacant site analysis methodology required by Government Code section 65583.2(g)(1).

I appreciate the importance of submitting the Housing Element and rezoning properties quickly. However, I do not believe that is going to be possible if you rezone or create an Overlay zone for the Applewood/ Nathhorst neighborhood to require or allow high density housing. Creating the potential for more than 400 housing units in a small area would have significant impacts that cannot be mitigated to a level of insignificance. Trying to proceed with environmental clearance based on a mitigated negative declaration will not be possible. An environmental impact report will be necessary to up zone or create an overlay zone. That will take many months to complete. Just to cite one example, the Stanford Wedge Project needed an EIR for 39 residential units on 7.4 acres.

All of these obstacles apply to up zoning or creating an overlay.

My clients are looking forward to seeing the results of the consideration of additional alternatives as directed by the Town Council and believe that a fresh look at Stanford Land and Town owned properties will show community support for using those properties instead of trying to create an overlay zone for the Applewood/Nathhorst neighborhood and turning it into high density housing.

Chuck

From: Cara E. Silver
Sent: Thursday, March 24, 2022 8:21 PM
To: Chuck R. Reed

housing@portolavalley.net

Subject: RE: Housing Element Update

Dear Mr. Reed,

On behalf of the Town of Portola Valley, I acknowledge receipt of your letter regarding the Allens' property. Selecting housing sites is a multi-step, iterative process which began last year and is expected to continue through the end of this year. On February 28, 2022, when the Ad Hoc Housing Element Committee met, many residents, including your clients, suggested alternative options (summaries of which you can hear from committee members [toward the end of the meeting](#)). Last night the Council provided direction to staff and the Committee to explore eight additional options. These options are discussed in more detail in the March 23, 2022 [Staff Report](#).

Based on your experience, I'm sure you can appreciate the complexity in identifying sufficient affordable housing sites in a largely single family zoned, affluent community. This 6th RHNA cycle is particularly challenging given the quadrupling of the Town's RHNA allocation; the State's additional restrictions on site selection; the Town's physical constraints of wildfire risk, evacuation concerns, seismic and geologic risks and extensive parks and regional open space; the State's emphasis on sites that can accommodate at least 20 units per acre; the new requirement to ensure that sites are affirmatively furthering fair housing; and of course HCD's stepped up enforcement of housing element implementation. Many of the State housing policies conflict with one another, are not suitable for small, rural towns such as ours and are

contrary to existing policies in our general plan. That said, the Town is legally required to submit a compliant Housing Element to HCD and the Town Council fully intends to comply with this mandate.

With respect to your suggestion to rezone commercial areas, there are just a handful of commercial areas in town (with one being immediately adjacent to your clients' property) and staff is pursuing this option as explained at the February 28 committee meeting. As for acquiring vacant sites, the Town has approximately \$3.7 Million in its Affordable Housing Fund and thus this option is not viable for a small town like ours. While it may be possible to identify some alternative sites, it is likely that some upzoning will be required. The lots selected for possible upzoning fall within the State's size requirements, are located on the major corridors and near services, do not have identified fire or geologic risks, and have multiple evacuation routes. Again, at this stage it is not clear which, if any, single family lots will be included in the final inventory list. We acknowledge receipt of the Nathhorst Triangle affidavits expressing the homeowners' intent to continue to reside in their homes. In any event, we look forward to talking to you and your clients about how an overlay district could financially benefit your clients while also satisfying RHNA requirements.

We hope you stay engaged in our process and look forward to any and all suggestions for satisfying our State law mandates.

Best,

Cara Silver
Town Attorney

Cara E. Silver (she/her)
Jorgenson, Siegel, McClure & Flegel, LLP
1100 Alma Street, Suite 210
Menlo Park, CA 94025
(650) 324-9300
jsmf.com

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From: Leticia O. Cvietkovich
Sent: Monday, March 14, 2022 2:22 PM
To:

Subject: Housing Element Update

Good Afternoon,

Please see the attached letter from Chuck Reed regarding the Housing Element Update.

Sincerely,

Leticia O. Cvietkovich
Legal Executive Assistant



Hopkins & Carley | A Law Corporation
San Jose | Palo Alto

70 South First Street | San Jose, CA 95113
Direct: 408.299.1361 | Main: 408.286.9800

lcvietkovich@hopkinscarley.com

hopkinscarley.com

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Dylan Parker

From: Town Center
Sent: Monday, April 11, 2022 3:50 PM
To: housing
Subject: FW: Housing

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

From: Janet Mountjoy
Sent: Monday, April 11, 2022 2:30 PM
To: Town Center <TownCenter@portolavalley.net>
Subject: Housing

To Whom It May Concern,

I want to express my very strong opposition to the sacrificial rezoning of the Applewood/Nathhorst area to solve the housing problem the town of Portola Valley faces. I have to admit that I am actually shocked that you would even consider changing the zoning designations of those particular properties when there are other superior choices available that would not have the same devastating financial impact on your fellow citizens of Portola Valley.

In fact Bob Adams has proposed some extremely sensible alternatives and I urge you to consider them instead.

Janet Mountjoy
Resident since 1973

Dylan Parker

From: patricia beebe
Sent: Tuesday, April 12, 2022 2:52 PM
To: housing
Subject: Additional housing on Alpine at Westridge

As a resident who uses Alpine Road for necessity, I am deeply concerned that this additional housing will call for excessive traffic on Alpine. I also ride my bike up and down Alpine to access the town center, Alpine Hills and P.V. library. More traffic means greater potential for accidents by autos.

Am totally against any development by Stanford University at present planed site. The university has plenty of land for other locations where they can develop additional housing.

Thank you,
Pat Beebe, 650-384-6631
patpfeiffer@hotmail.com

Dylan Parker

From: webmaster@portolavalley.net
Sent: Wednesday, March 23, 2022 3:40 PM
To: Housing
Subject: New Entry on Housing Element Comments Survey

A new entry to a form/survey has been submitted.

Form Name: Comment on the Housing Element
Date & Time: 03/23/2022 3:40 PM
Response #: 13
Submitter ID: 6234
IP address: 2601:1c2:4e80:e130:8558:2652:d67:dda5
Time to complete: 17 min. , 6 sec.

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

Maria Southgate

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

CA

7. Zip Code

94028

8. Comment

*Suggest before any other possible housing locations be identified at a public meeting, a committee member should pick up the phone for a short conversation to see what comments the property owners have to contribute. Or drop a note in their mailbox, and ask them to call you. With emotions currently riding so high, I think this could help.

*Residents should be able to apply to have their property be taken under consideration.

*Is it possible to allow special permits on a case by case basis instead of permanent rezoning? There could be several situations identified, and basic permit requirements standardized for easier and faster approval. I'd think this would be particularly helpful for residents considering a remodel to an existing part of their home or garage.

*A community center with apartments or communal type buildings could be created and rented to people that have a long commutes. They would not have to move, but would have a place to stay during the work week. These could be partially subsidized with Town funds and created in such a way that they comply with state requirements for low income units. Not everyone necessarily wants to move to Portola Valley and leave their existing communities.

* If the owners were interested, the lots identified at the entry to town on Alpine Rd. could be an ideal location & perhaps combined with housing at Ford Field. There would be quick easy access out of town for commuters, or should we have an emergency. The buildings would not be too much of contrast with the rural nature of PV due to their proximity to Ladera stores and businesses.

*Given the current public interest, I'd think a ground up philosophy might work better than imposing top-down requirements.

*I believe that the Town may need to offer financial incentives, or interest free loans to residents as not everyone who would like to help, can afford the extra building expenses. Best to try to keep this local rather than having out of town developers move in.

*There is so much information and so many political requirements, I would think that a one page info. sheet could be sent to residents. This could include basic goals, a short list of what as been identified to achieve these goals, some estimated costs (ie: to build an ADU), etc.

Thanks for all your work on this,
Maria

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

Thank you,
Portola Valley, CA

This is an automated message generated by Granicus. Please do not reply directly to this email.

Dylan Parker

From: webmaster@portolavalley.net
Sent: Friday, March 25, 2022 11:51 AM
To: Housing
Subject: New Entry on Housing Element Comments Survey

A new entry to a form/survey has been submitted.

Form Name: Comment on the Housing Element
Date & Time: 03/25/2022 11:50 AM
Response #: 14
Submitter ID: 6236
IP address: 98.191.182.202
Time to complete: 5 min. , 16 sec.

Survey Details

Page 1

1. First and Last Name

Sandra Jelich Anderson

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.)

Roberts of Portola Valley Market

4. Street address (will not be publicly displayed)

5. City

SCOTTSDALE

6. State

ARIZONA

7. Zip Code

85254

8. Comment

See letter to Town Council mattached

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

Roberts Market Rezoning Objection (Signed)_032322.pdf

Thank you,
Portola Valley, CA

This is an automated message generated by Granicus. Please do not reply directly to this email.

Submitter DB ID 6228
IP Address 23.81.176.231
Submission Recorded On 03/22/2022 8:35 AM
Time to Take the Survey 4 minutes, 36 secs.

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

James Makay

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

CA

7. Zip Code

94028

8. Comment

We do not need high density housing in Portola Valley. There is too much traffic as it is and will create dangerous conditions for evacuation if we have an emergency situation. This is a rural community and high density housing has no place here. Put high density housing where it belongs in cities where there are more services. Don't destroy our town!

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

Submitter DB ID 6229
IP Address 108.209.218.123
Submission Recorded On 03/22/2022 9:49 AM
Time to Take the Survey 10 minutes, 37 secs.

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

Sue Chaput

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**

PV

6. State

CA

7. Zip Code

94028

8. Comment

There is a request In to CalWater. BEar gulch For Info on How they will serve 250

“New build”. Hook ups

2. Sewer hook ups have always been at a premium here. How will they add 250 new ones. ?????? Street trenching ? Each time ?? What’s the plan??

3. As it is below market. Or low cost housing. I’m assuming that a couple would both need to work. That’s 2 cars per unit. Some 500 cars. New to town

We are nowhere. NEar Public Transportation!! Where will those cars be parked .

Garages ??? Open car ports. . On Alpine rd . A scenic corridor ? 2 Per unit.. Impossible

Thank you for your work and efforts to solve this problem

Where will those cars be housed

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

Submitter DB ID 6230
IP Address 2600:1700:a460:45e0:4166:7bed:e4de:2e6d
Submission Recorded On 03/22/2022 1:51 PM
Time to Take the Survey 49 minutes, 32 secs.

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

caroline Vertongen

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

Ca

7. Zip Code

94028

8. Comment

please attach my comments and change the format of the document 2013 housing element Assembly member Gordon

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

[AdHoc housing element 3:22 .pdf](#)

Submitter DB ID 6234
IP Address 2601:1c2:4e80:e130:8558:2652:d67:dda5
Submission Recorded On 03/23/2022 3:40 PM
Time to Take the Survey 17 minutes, 6 secs.

Page 1

1. First and Last Name

Maria Southgate

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

CA

7. Zip Code

94028

8. Comment

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*There is so much information and so many political requirements, I would think that a one page info. sheet could be sent to residents. This could include basic goals, a short list of what as been identified to achieve these goals, some estimated costs (ie: to build an ADU), etc.

Thanks for all your work on this,

Maria

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

Submitter DB ID 6237
IP Address 98.37.234.98
Submission Recorded On 03/25/2022 1:26 PM
Time to Take the Survey 14 minutes, 2 secs.

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

Lynn Pieron

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

CA

7. Zip Code

94028

8. Comment

Privileged towns like ours have for decades benefitted -- and continue to benefit -- from the redlining and other discriminatory practices of the last midcentury. Our privileged environment and financial returns came at a steep cost to others. We must make amends.

I support dense housing for targeted populations (e.g. the Stanford "wedge"). However housing specifically designated for town or local workers is unmanageable on both the supply and demand side. Local workers may have housing they already prefer elsewhere. And putting employees into defined housing becomes problematic when the employment comes to an end for whatever reason. I therefore support the creation of a generic high density low income multifamily unit "village" with community amenities and walkability to either the Roberts corner or Ladera Shopper. A place where people can thrive in community, raise their families and enjoy all that PV has to offer. Concentrating development in a couple of dense spots will impose change (which we must embrace) while preserving the overall feel of the area.

Thank you for your consideration and for your work on this difficult topic.

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

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](#)

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 6267
IP Address 2600:1700:a460:1720:d84a:8164:4df:8971
Submission Recorded On 04/05/2022 6:40 PM
Time to Take the Survey 12 minutes, 55 secs.

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

Abigail Krenz

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

CA

7. Zip Code

94028

8. Comment

I am a lifelong Portola Valley resident and current high school senior. Without a doubt, this town and its caring community have shaped me into the person I am today. As I think about the future of Portola Valley, I hope that we can live up to the values so many of us hold dear: equity, inclusion, and care for one another. We can talk about RHNA, wildfires, ADUs--all are important--, but let's not lose sight of the fact that our community would be stronger, more inclusive, and warmer if many types of people, across income levels, had the chance to live here.

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

Submitter DB ID 6270
IP Address 205.220.129.22
Submission Recorded On 04/06/2022 2:39 PM
Time to Take the Survey 4 minutes, 19 secs.

Page 1

1. First and Last Name

James Rooney

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

CA

7. Zip Code

94028

8. Comment

Below please find a letter I forwarded to the Housing Committee in March

Dear Neighbors and Committee Members,

Thank you for a very helpful and informative meeting last night. I have been a PV resident for 25 years and currently reside at 118 Westridge Drive, one of the properties along Alpine corridor designated for potential rezoning according to the current proposed draft. I am in favor of affordable housing in Portola Valley but feel the solution should focus on strategies that involve all community members and should not be accomplished by rezoning of currently occupied properties without consent of the owners of those properties. I am not a lawyer, town planner, or civic architect, so I may not be as familiar as some as to what the relevant solutions could be, but my suggestions are as follows. Many of these points were made by fellow townspeople at the meeting last night.

1. Better communication with town residents. My property was included in the draft plan as a property that could be rezoned but I had no notice of this from the town or the committee. I heard about the plan and the meeting from concerned neighbors late last week. It is true that there is public notice of these meetings but that is not sufficient to provide adequate notification, especially to potentially affected residents
2. Develop an alternative plan that would focus on development of currently unoccupied properties. This could include development of existing town land or purchase of new property. The town could use existing funds or raise funds through local taxation. That way all town residents would bear the burden of meeting the state requirement, rather than forcing a few to accept changes to their property rights for the benefit of the larger community.
3. Conduct a survey to determine which residents are willing to add an ADU to their property. That would provide a benefit to willing residents as well as to the town.
4. If the town wishes to designate occupied properties as part of the plan, only include properties for which the current owner consents to the plan for rezoning.
5. I am opposed to changing the setback on the Alpine Road corridor unless the property is designated for rezoning
6. I am opposed to any change in regulation that would limit my ability to modify or add to my property, or rebuild my property should it be destroyed by fire, etc. I currently pay a high premium for both fire and earthquake insurance.

Thanks and I look forward to further discussions

Best

Jim Rooney

6506198106

118 Westridge Drive

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

Submitter DB ID 6270
IP Address 205.220.129.22
Submission Recorded On 04/06/2022 2:39 PM
Time to Take the Survey 4 minutes, 19 secs.

Page 1

1. First and Last Name

James Rooney

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

CA

7. Zip Code

94028

8. Comment

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Thanks and I look forward to further discussions

Best

Jim Rooney

6506198106

118 Westridge Drive

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

Submitter DB ID 6271
IP Address 166.205.91.56
Submission Recorded On 04/06/2022 3:58 PM
Time to Take the Survey 5 minutes, 41 secs.

Page 1

1. First and Last Name

dale Kane

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

Our family believes it is completely unfair for you to take away our children's home by up zoning our property to 20 units per acre. We had dreams of our family living at this property for many generations.

Two additional points.

1) We are a young couple in our early 40s and will live here for the rest of our life so the property will not be converted to a multi-unit housing for at least another 40 or 50 years and likely never.

2) We have a drainage culvert running through the middle of our property so the bottom 40% next to Alpine road is completely unusable for high density housing. You would have well less than half an acre for a developer to build multi-unit housing on. Whoever selected our property for high density housing likely never went and looked at the property. If you are considering leaving three Hillbrook drive (#22 on your map) in your multi-unit plan, please have the courtesy of coming by and looking at the property. I think you will come to the same conclusion as I have that it is not anywhere near a buildable acre and really a poor candidate for multi-unit housing.

Respectfully,

Dale Kane and the Kane family on behalf of our children who would likely be impacted by this completely unfair forcibly upzone tactic.

-August Charles Kane age 5 Ormondale TK

-Serafina Elizabeth Kane age 7 Ormondale 1st

-Rusch William Kane age 9 Corte Madera 4th

It is completely terrible that your committee is considering stealing our children's house.

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

Submitter DB ID 6287
IP Address 98.155.234.97
Submission Recorded On 04/11/2022 8:40 AM
Time to Take the Survey 3 minutes, 5 secs.

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

Valerie Wookey

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

Ca

7. Zip Code

94028

8. Comment

I just read about the option to "opt in" to up zone a private property. I am very concerned about how this would work. If I have a neighbor who chooses to opt in, that would automatically impact the value of my property. Please do not allow this type of re zoning.

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

Submitter DB ID 6288
IP Address 73.223.117.164
Submission Recorded On 04/12/2022 5:48 PM
Time to Take the Survey 6 minutes, 15 secs.

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

Geoff Riley

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

Ca

7. Zip Code

94028

8. Comment

I appreciate the housing difficulties in the Bay Area but Portola Valley along with with Woodside is the only remaining areas that are not overly congested. Even a few dwellings will have a little impact on the housing crisis relative to what a major impact it would have on Portola Valley. I would prefer keeping this area one of the very few remaining places where one can live in nature and not be too far from everything. It is indeed a luxury but it should be preserved as much as possible. The historical importance is also a consideration as this is the last of the "old California" in our area. Please consider the less building the better. Thank you

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

Submitter DB ID 6289
IP Address 2601:647:6000:2c0:b0e0:c6c:bd3f:92b2
Submission Recorded On 04/14/2022 10:13 AM
Time to Take the Survey 12 minutes, 41 secs.

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

Todd Scheuer

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

CA

7. Zip Code

94028

8. Comment

Hello:

I wanted to submit a comment with strong concerns surrounding the Town of Portola Valley considering utilization of local fields (Ford Field, soccer fields (PVTC, Rossatis, etc.) as potential conversion opportunities for housing. I grew up in Portola Valley and am a current resident. I have 3 children in elementary school and am also the current Commissioner for Alpine Little League. These fields have an enormous amount of history and host some of the more important community-building, non-profit leagues (Alpine Little League, AYSO soccer, and many others) to the Town of Portola Valley and beyond. These fields are truly the heart and soul of our community and I would argue are among the most beautiful in the State. To consider removal of these fields for housing would be a significant blow to the spirit of our Town and the community we all hope to support. I think we all can appreciate the value team sports provide our children and removal of these fields will take away opportunities for our youth to grow and create lifelong memories. I understand we have housing challenges but to take away opportunities from our children is not an appropriate direction to consider as the downstream effects are very significant. I would be happy to discuss further with the Town and appreciate you taking my comment into strong consideration. Todd Scheuer

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

Dylan Parker

From: Karen Askey
Sent: Monday, March 28, 2022 7:37 AM
To: Laura Russell; Adrienne Smith; Jocelyn Swisher; Sarah Wernikoff
Cc: Craig Hughes
Subject: Undeveloped Land Opportunity for Housing Element
Attachments: F97E64B4-1671-4369-82DF-97EE2D965053.jpeg; 4890C951-A221-42E0-8D3F-A7297B219BC7.jpeg

Hi, Laura, Adrienne, Jocelyn, Sarah, and Craig -

These properties may be in the review process already, but I wanted to draw your attention to UNDEVELOPED LAND that does not seem to fall into any safety hazard maps.

I would like to see our housing element plan be able to be satisfied with ADUs, affiliate housing, and town-owned land, but if rezoning must occur, it should be on UNDEVELOPED sites, and not those with occupied homes on them. Here are two I came across very near Ormondale.

1. This property is 2-3 acres behind the Woodside Priory baseball field, at Georgia Lane and Iroquois Trail. I'm told it's the "Besio Property." It is a HUGE flat property, and it's easy to envision cottage style or other multi-unit housing that could match the PV culture.
2. The 2nd lot is on Shawnee Pass, near Cervantes. It again is about 1 acre and is flat.

I've attached photos of these two properties. I would assume there are more lots like this that should be seriously vetted. We need to disburse this new housing across town - we need to be equitable in our approach. Also, submitting a plan with building on undeveloped land is more feasible than on property in which the home or business owners have signed affidavits that their property will not be available within the Housing Element Cycle.

Please pass this email on to the rest of the Housing Element Committee members.

Thanks,
Karen