



TOWN OF PORTOLA VALLEY

4:30 PM – Ad Hoc Housing Element Committee Meeting
Monday, May 2, 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/86984276464?pwd=WjlzdmduQzFIR3VMNzN3ekZaYWxhBQT09>

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

Meeting ID: 869 8427 6464 **Passcode:** 644998

Or Telephone:

1.669.900.6833

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

*6 - Toggle mute/unmute.

*9 - Raise hand.

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

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

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

Committee Members:

Jeff Aalfs - Town Council Subcommittee

Aimee Armsby

Sarah Dorahy

Erik Doyle

William Kelly

Anne Kopf-Sill - Planning Commission Representative

Andrew Pierce - Race and Equity Committee Representative

Al Sill - ASCC Representative and Vice-Chair

Jocelyn Swisher - Chair

Nicholas Targ - Planning Commission Representative

Bob Turcott

Janey Ward

Sarah Wernikoff - Town Council Subcommittee

Helen Wolter

Staff Contacts:

Laura Russell - Planning & Building Director

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. Housing Sites Inventory Update and Discussion
 - a. New work product generated by staff and consultants since April 18th meeting in response to Committee feedback
 - i. Maps and Analysis
 - ii. Update on ADU Focus Group and “Opt In” to Upzoning Meeting
 - b. Committee Discussion and Recommendation On Sites Inventory

STAFF UPDATE

1. Staff updates to Committee (5 Minutes)
 - a. Upcoming Meetings:
 - i. May 9th at 7 pm - Community Meeting
 - ii. May 24th at 4:30 pm – Special Committee Meeting

APPROVAL OF MINUTES

1. Minutes of March 21, 2022 meeting

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

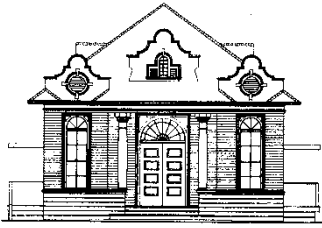
Committee's Values*:

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: May 2, 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.

On April 18, 2022 the Ad Hoc Housing Element Committee provided the following consensus feedback on the combination of sites inventory strategies:

- Single Family Upzoning: Hesitation around moving forward with voluntary or involuntary single family upzoning.
- Commercial Properties: Retain existing businesses and fit in housing units were possible.
- New Opportunity Sites: Keep the Glenoaks, Neely, El Mirador parcels as possible sites and requested further analysis of the Blue Oaks property.
- ADU Allocation: Use the standard allocation for Accessory Dwelling Units (ADUs) with ADUs spread across all income categories to help satisfy more of the lower income units.

II. Discussion – Outreach and Analysis

Significant outreach and analysis have been conducted over the last few weeks to gather interest and ideas from residents, confirm the numbers in the RHNA unit table,

evaluate feasibility of specific sites, and confer with qualified professionals. Highlights include:

- The ADU Focus Group was held on Tuesday, April 19th via zoom. More than 50 people were present. New ideas were offered that may lead to increased awareness in the Community about ADU regulations and opportunities for Junior Accessory Dwelling Units (JADUs).
- The Opt-In Meeting for Rezoning was held on Thursday, April 21st via zoom. More than 60 residents were present. After the meeting, residents that were interested provided their addresses and interest levels so that staff could conduct basic analysis of the sites (discussed below).
- Staff conducted a review of ADU permit records to reevaluate the ADU/JADU production estimates for the next 8 years. Staff confirmed that the number of ADUs in 2022 is expected to be quite a bit higher than past years. Based on the latest information, staff updated the RHNA table to reflect higher ADU/JADU production. This approach includes some risk in that the Department of Housing and Community Development (HCD) may not approve this projection and require the Town to address these units another way, such as additional upzoning.
- Staff met with representatives of the Sequoias and attended a resident meeting. Based on those conversations, the Affiliated Housing portion of the table has been updated to include 18 senior units and 5 workforce units for their employees.
- Staff met with representatives of Ladera Church. They would like to be included in the Affiliated Housing Program and upzoned. However, they would like more time to consider a potential future project and requested not to be included in the Site Inventory at this time. Staff removed the estimated numbers that had previously been included as a place holder.
- Architectural feasibility analysis is being conducted by Lisa Wise Consulting for five sites. Staff had meetings with their team to provide feedback. The results will be presented at the May 2nd meeting.
- Council Subcommittee Members Wernikoff and Aalfs and staff met with representatives of Alta Housing (formally Palo Alto Housing Corporation) a non-profit affordable housing developer about the Ford Field site as a potential location for an affordable housing project. Key takeaways include:
 - About 50 units is necessary for an affordable housing developer to make a project work from a funding and operational perspective.
 - They typically provide on-site services that are tailored to the population that lives there. It may include after-school programs, enrichment classes, support services, and community events.
 - Tax credits are a very important source of funding for these types of projects. The factors are largely location specific to be competitive for tax

credits. They are analyzing the Ford Field location and will provide additional information when they have it available.

- If tax credits can be secured, this would be a good site for a project with 100% affordable units. If not, a mixed income project might work where the market rate units subsidize the affordable units.
- Their typical projects serve residents with 30-45% of Area Median Income (AMI) which is in the Very Low Income category. (About \$64,000 for a single person and \$91,000 for a family of four.)

All of the available information has been integrated into the RHNA projection below. 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.

	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	17	7	28	52
ADUs	26	26	26	9	87
Affiliated Housing Sites	4	4	2	18	28
Site Inventory	0	0	0	0	0
Total	30	47	35	55	167
Additional Housing Need	Very Low Units	Low Units	Mod Units	Above Mod Units	Total Units
Outstanding Housing Need	43	-5	4	44	86
Outstanding Housing Need with 20% zoning target	58	3	12	64	137

III. Housing Sites Part V Discussion

Table 1 below provides a progress update related to each of the eight feedback items discussed at the February 28, 2022 meeting from both the April 18 and May 2, 2022 meetings:

Table 1: Housing Sites Analysis Update

Feedback from Feb, 28, 2022	April 18, 2022 Updates	May 2, 2022 Updates
1. Explore new housing sites including further analysis of the Glenoaks 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"> • Glenoaks Stanford - 4.4 acres • El Mirador – 13.2 acres • Neely property – 25 acres 	<ul style="list-style-type: none"> • Staff has contacted Stanford about the Glenoaks site. They indicated that they are open to working with the Town to explore housing opportunities. • El Mirador is not a likely site at this time based on the latest information about the ownership. • The Neely property presents General Plan and open space challenges. The Planning Commission has prioritized preservation of this site in the past. A detailed master planning process would be required so it may be better suited for the next Housing Element cycle.
2. Further study the potential for mixed use in the Town's C-C and A-P zones while preserving local-serving businesses	Development potential is expected to be limited. Analysis is underway and will be presented at the May 2, 2022 meeting.	This strategy is not expected to produce a significant number of units. Village Square could potentially add 2-4 units.
3. Further study the development potential of the two vacant parcels on Alpine Road as sources of multi-family housing	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.	Site concepts will be shared during the May 2, 2022 presentation

Feedback from Feb, 28, 2022	April 18, 2022 Updates	May 2, 2022 Updates
	Staff will report back at the May 2, 2022 meeting.	
4. Explore an “opt-in” approach where property owners could volunteer for upzoning	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.	Six property owners expressed interest in upzoning their property over the next year. Deer Creek Resources also reviewed and flagged potential vegetation management concerns for four of the six locations as shown in Table 3.
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	The Mailer included the option for interested property owners to upzone their property to up to six dwelling units/acre.	Given some owner interest and the desire by some Committee members to disperse sites, staff requests direction from the Committee on whether to include these sites.
6. Revisit the list of Town-owned property to see if there is development potential	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.	A site concept for Ford Field will be shared during the May 2, 2022 presentation. This is a potential affordable housing site with 50 units. Attachment 5 includes a map of the Blue Oaks parcel which shows approximately 2.6 acres of developable land available after mapping creek setbacks and hazards constraints. However, Deer Creek Resources has recommended removing due to limited

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

Feedback from Feb, 28, 2022	April 18, 2022 Updates	May 2, 2022 Updates
		access/egress option, narrow roads, and heavy wildland fuels.
7. Consider using the Town's affordable housing fund to provide incentives for affordable housing (such as multifamily or ADUs)	No additional materials have been prepared. The Committee may wish to continue discussing how funds may support different options.	No additional information available
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.	Valuable insight was provided by community members. The Town will incorporate policy and program suggestions into the Housing Element including: <ul style="list-style-type: none"> • Uploading revised handouts to the Town's website, • Implementing a streamlined process for creating JADUs, • Matching low-income renters with owners offering affordable ADUs, • Initiating an Amnesty program for unpermitted ADUs, and • Offering ADU office hours for additional applicant support

The following two tables provide additional information on development capacity for the select sites under consideration and opt-in upzoned properties. Further analysis would be required for the Blue Oaks, Glenoaks Stanford, Neely, and Mirador properties to determine development capacity. Attachment 5 includes a map with all opportunity sites and properties interested in upzoning. Attachment 6 includes aerials images of each of the properties interested in upzoning.

Table 2 Opportunity Sites Under Consideration

ID	Name	Address	Developable Size (acres)	Density*	Potential Total Units*
Town-Owned Sites					
A	Ford Field	3329 Alpine Rd	2.48	20.2 du/ac	50
B	Town Substation	765 Portola Rd	0.43	14 du/ac	6
C	Blue Oaks	Los Trancos Rd/Buck Meadow Dr.	2.6	-	-
Other Opportunity Sites					
D	Glenoaks Stanford	Alpine Rd/Arastradero Rd	4.4	-	-
E	Vacant (Nathorst)	4394 Alpine Rd	1.18	20.4 du/ac	24
F	Behind Roberts Market (Nathorst)	Alpine Rd	0.86	23.4 du/ac	20
G	Underutilized Office (Nathorst)	4370 Alpine Rd	1.5	19.8 du/ac	30
H	Neely	555 Portola Rd	~25	-	-
I	Mirador	875-877 Portola Rd	~13.2	-	-

*Please note that these densities and unit counts are exploratory to help illustrate what is possible and help the Committee with their analysis. These numbers do not reflect a staff recommendation or actual proposal for development

Table 3 Opt-in Upzoning Properties

ID	Address	Parcel Size (acres)	Density*	Potential Total Units*	Potential Fire Safety Issues
J	231 & 241 Georgia Lane	1.9	6 du/ac	11	Y
K	4185 Alpine	1.7	6 du/ac	10	N
L	148 Ramoso Road	3.0	6 du/ac	18	Y
M	90 Bear Gluch Drive	1.2	6 du/ac	7	Y
N	3320 Alpine Road	0.5	6 du/ac	3	N
O	135 Shawnee Pass	1.0	6 du/ac	6	Y

* 6 Dwelling Units per acre presented as an example, followed by potential units at that density assuming no other constraints such as slope or soil type that limit development

IV. Next Steps

Staff requests the Committee review the new information staff is presenting about the sites inventory, and provide direction for staff to finalize the sites inventory.

Upcoming meetings include the following:

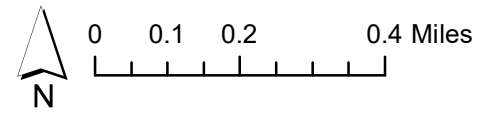
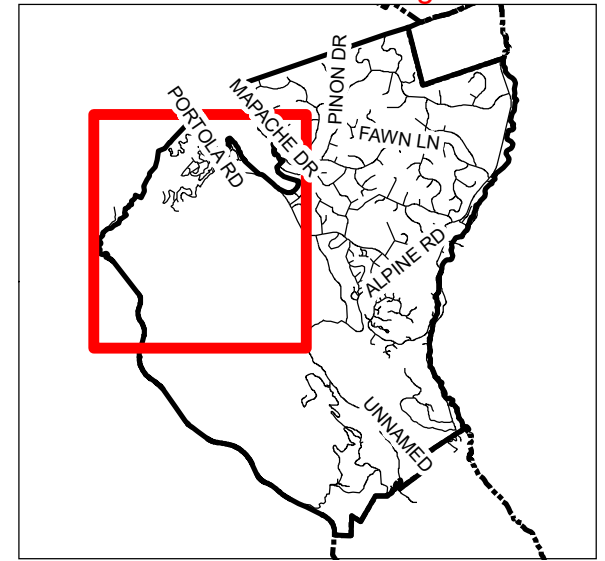
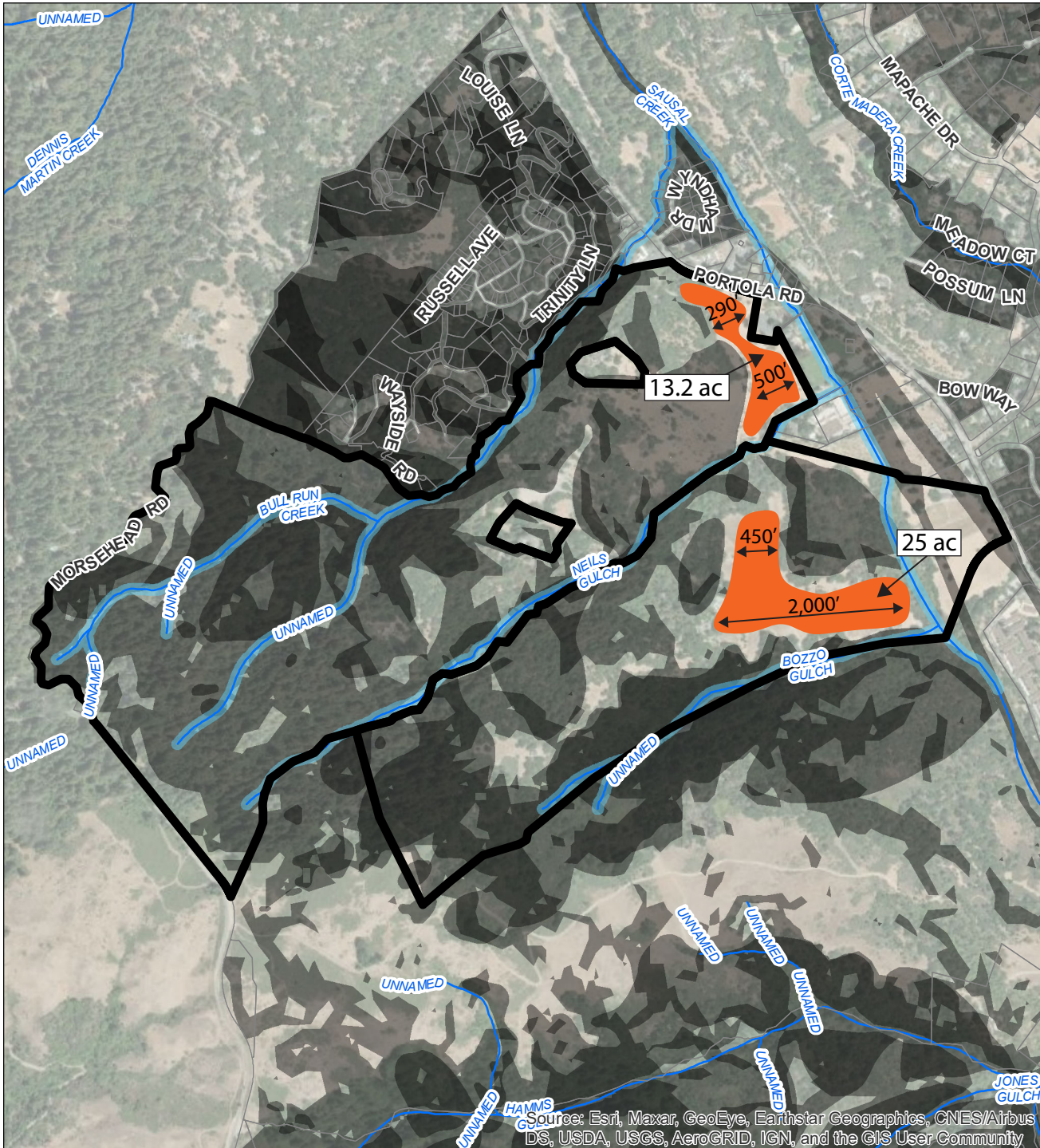
- Monday, May 9 – Community Wide Meeting at 7 pm via zoom to hear an update on the Committee’s work and provide feedback on the Sites Inventory
- Tuesday, May 24 – Ad Hoc Housing Element Committee meeting to review the draft Housing Element



ATTACHMENTS

1. Stanford Wedge, El Mirador, and Neely Constraints Maps
2. Town-Owned Parcels Composite Hazards Map
3. Ford Field Constraints Map
4. Opportunity Sites Map
5. Blue Oaks Constraints Map
6. Opt-In Properties Aerials

ADDITIONAL RESOURCE

Staff has received questions related to California Density Bonus Law and how it applies. This information will be reviewed briefly at the May 2nd meeting. A summary of the law by Myers Nave is available at https://www.meyersnave.com/wp-content/uploads/California-Density-Bonus-Law_2022.pdf

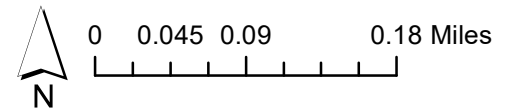
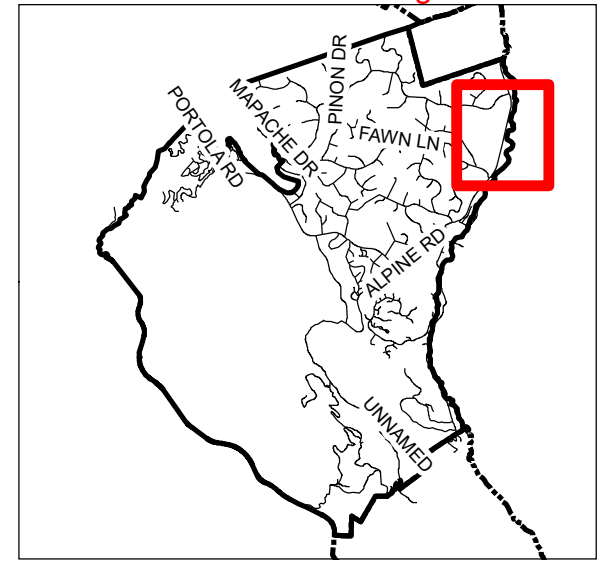


-  Stream
-  ~55' Stream Buffer (Section 18.59.030)*

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

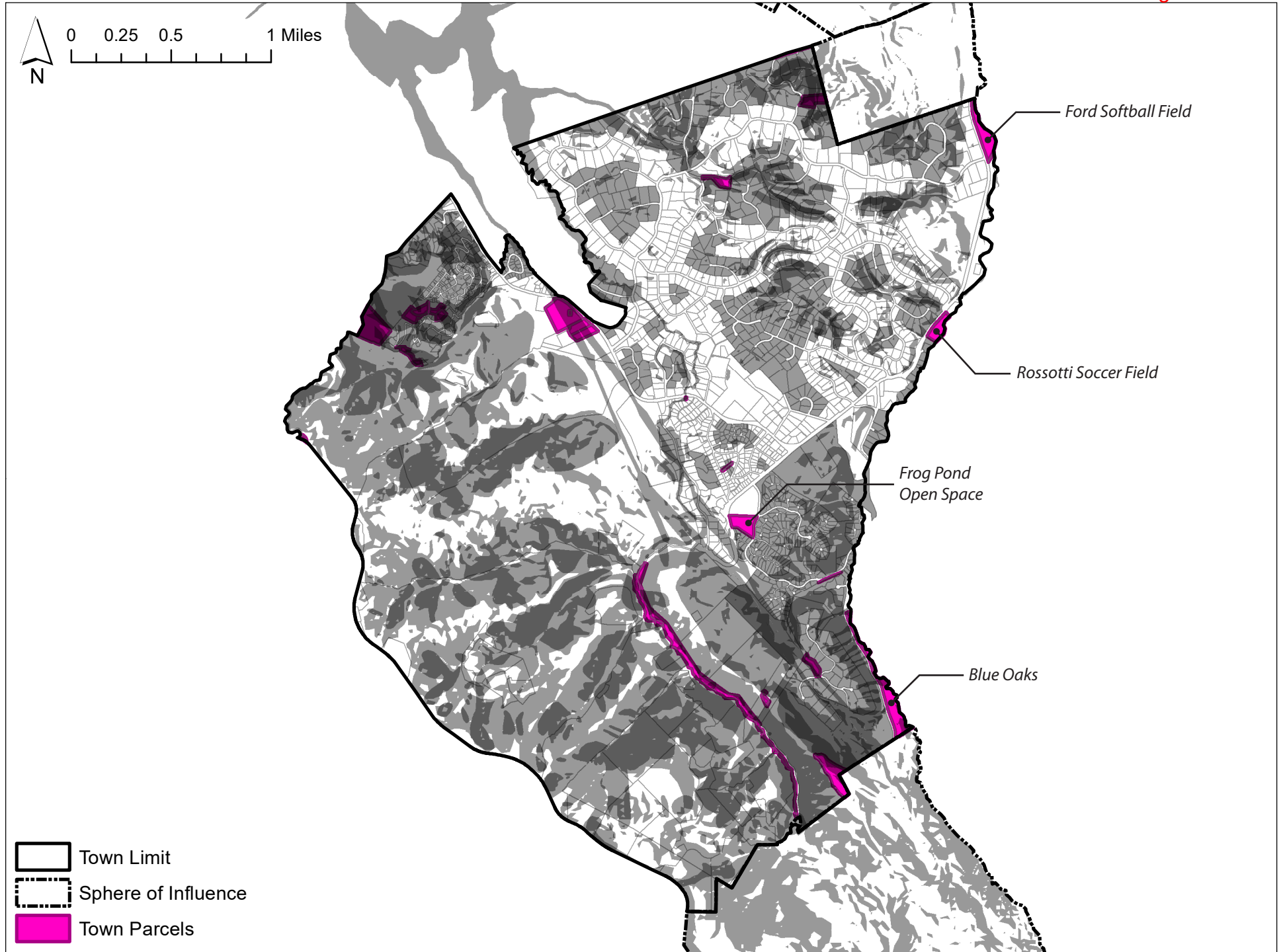


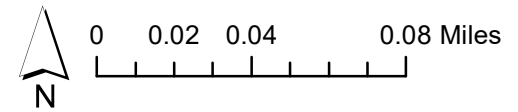
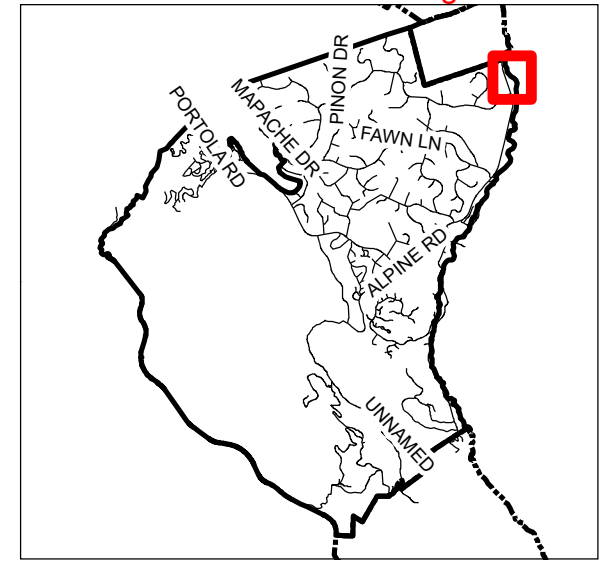
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community








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

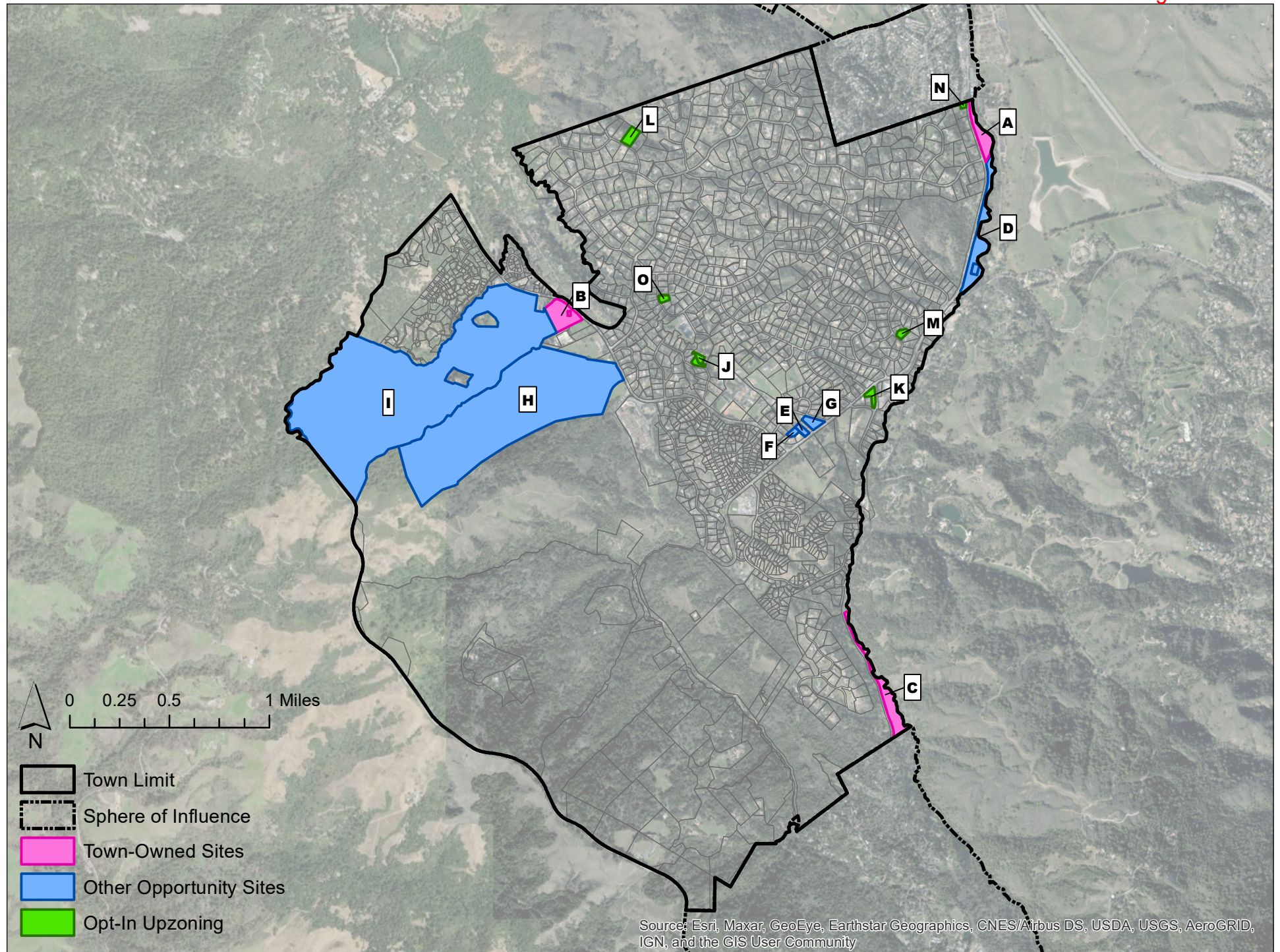
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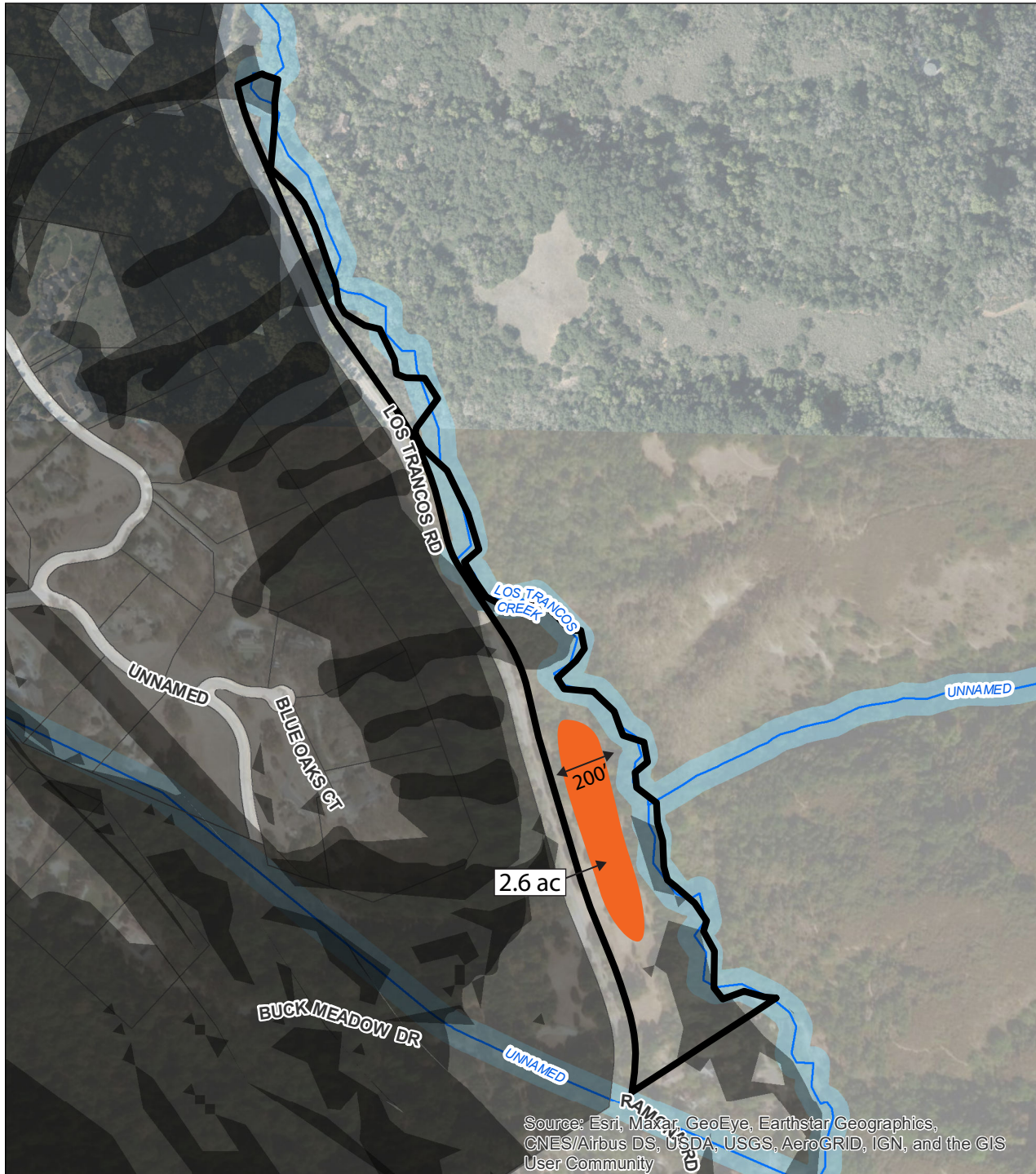




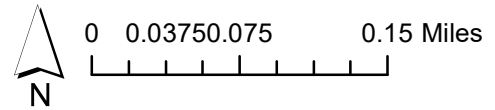
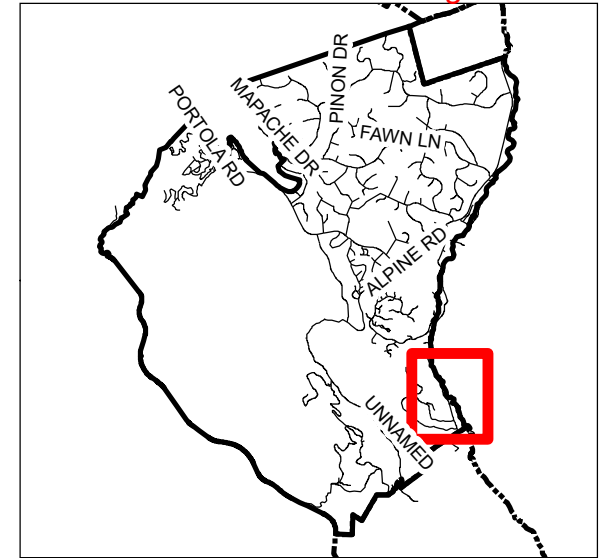
-  Parcels
-  Town Limit
-  Stream
-  75' Scenic Buffer (Section 18.58.020)
-  ~55' Stream Buffer (Section 18.59.030)*

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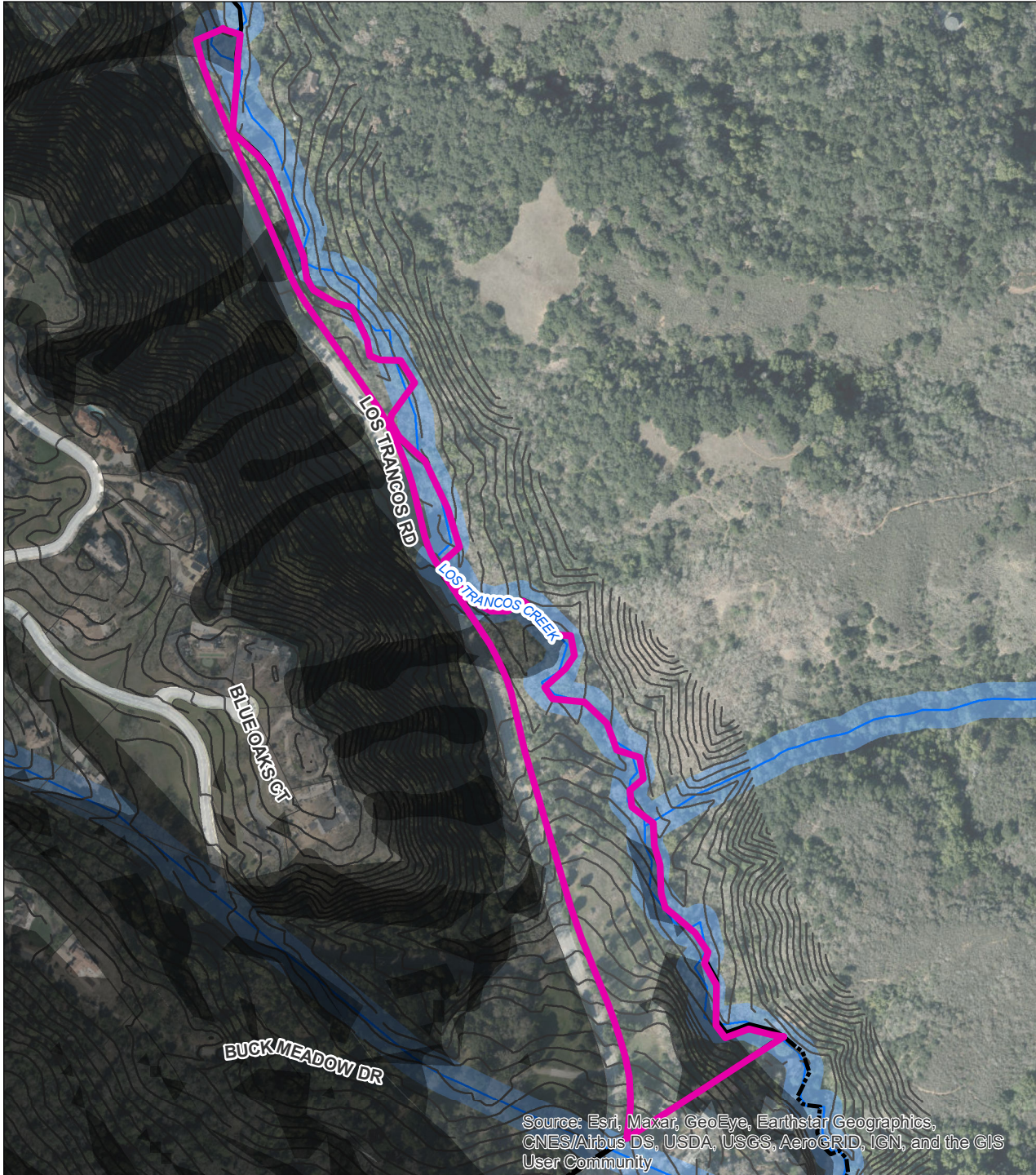


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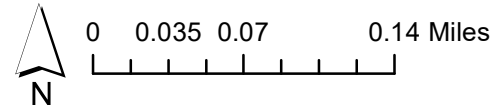
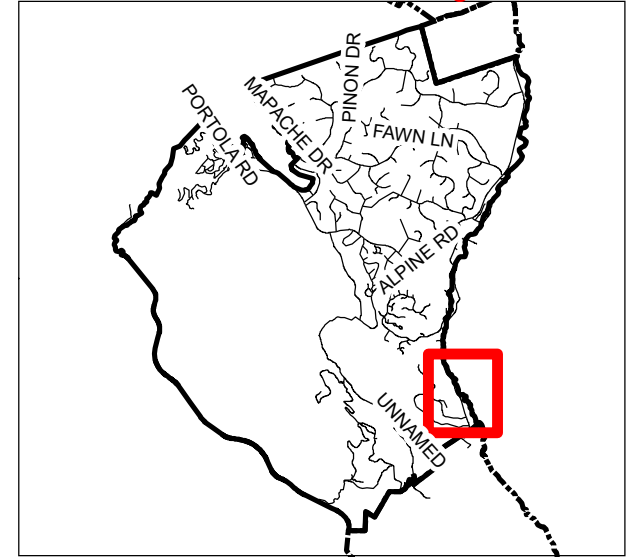







- Stream
- ~55' Stream Buffer (Section 18.59.030)*

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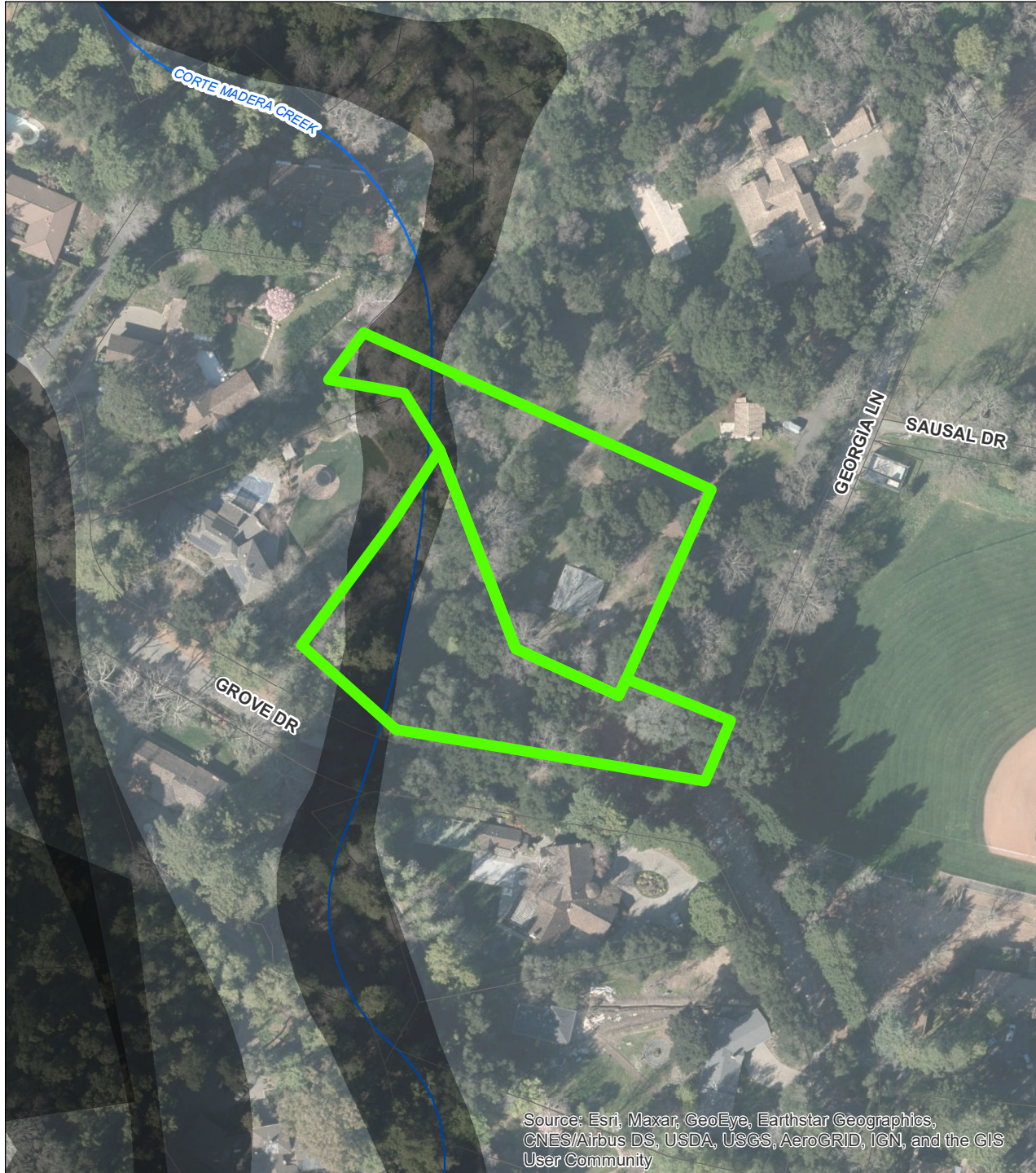


-  Town Limit
-  Sphere of Influence
-  Contour Lines*
-  Stream
-  ~55' Stream Buffer (Section 18.59.030)**

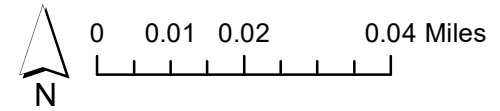
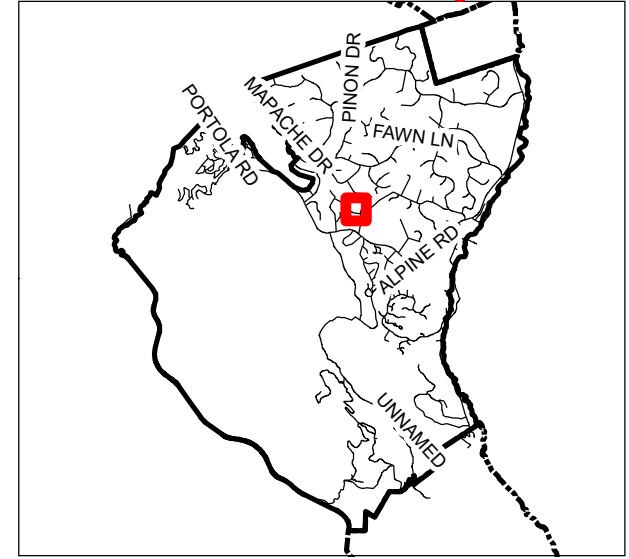
* Contour lines may not accurately reflect steepness of slope



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J. 231 & 241 Georgia Lane

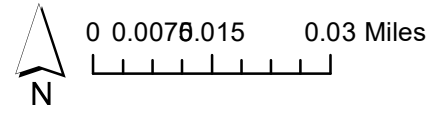
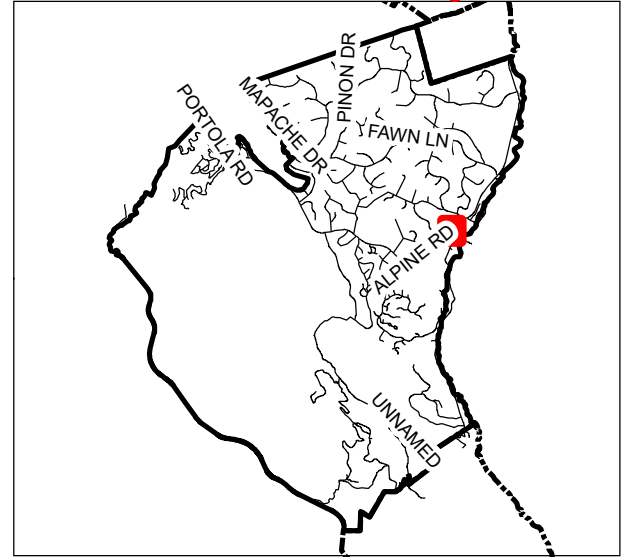


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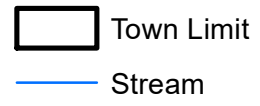
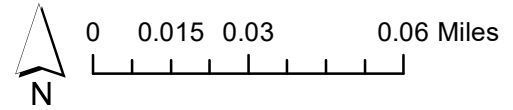
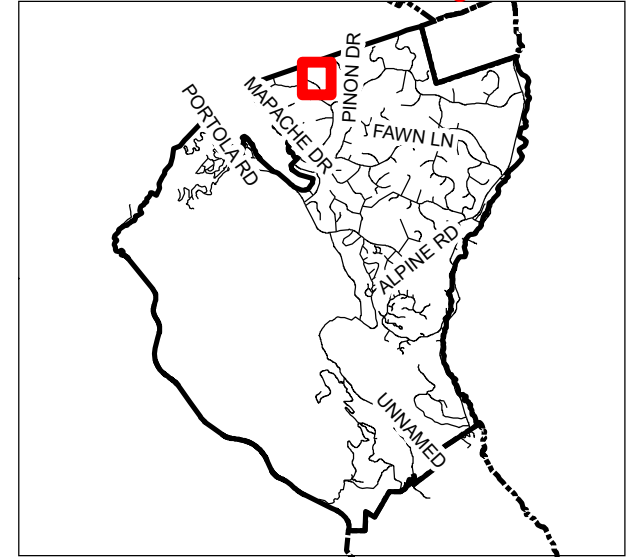
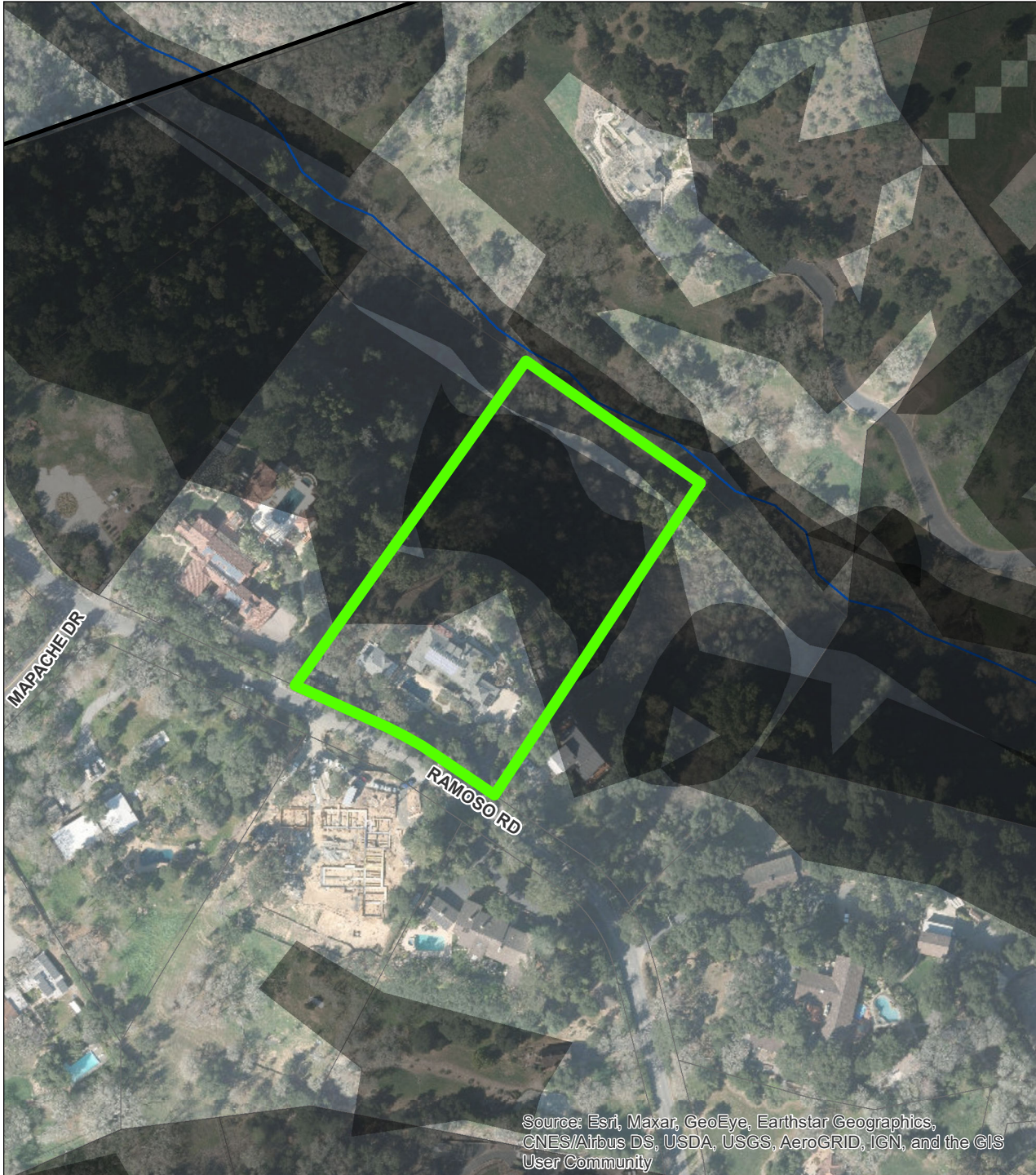
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K. 4185 Alpine

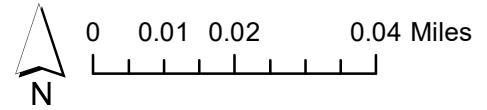
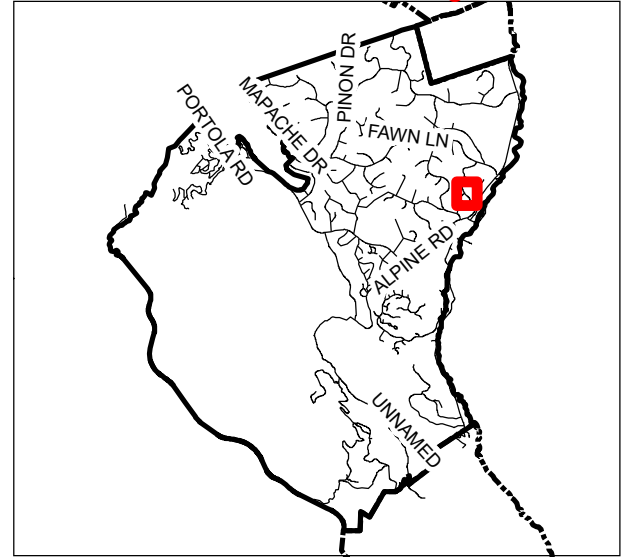
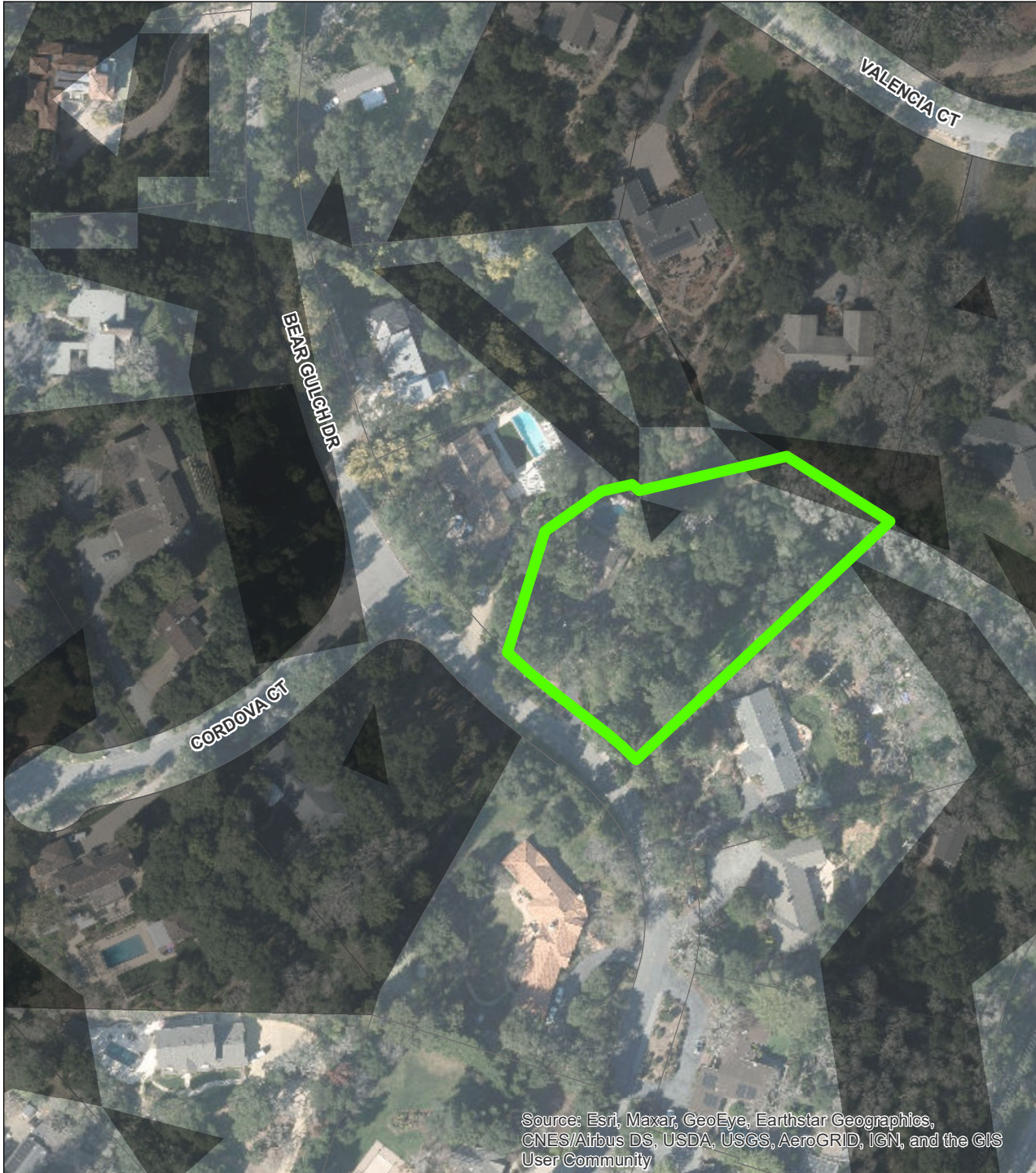




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L. 148 Ramoso Road



M. 90 Bear Gulch Drive



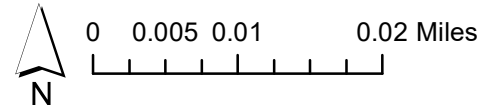
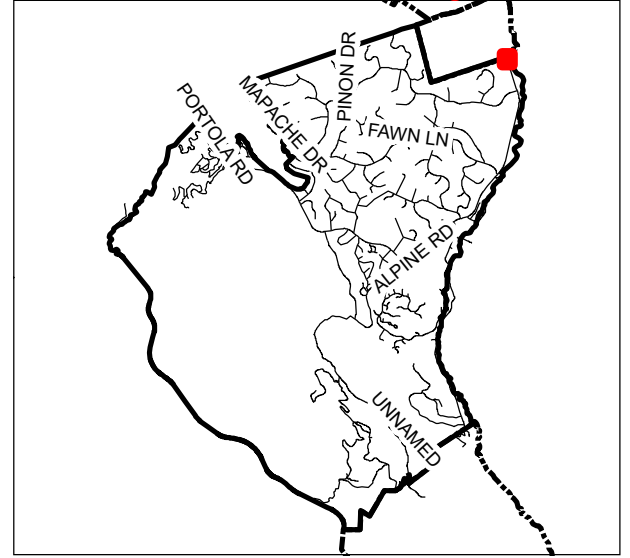
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Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

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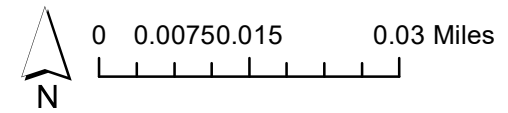
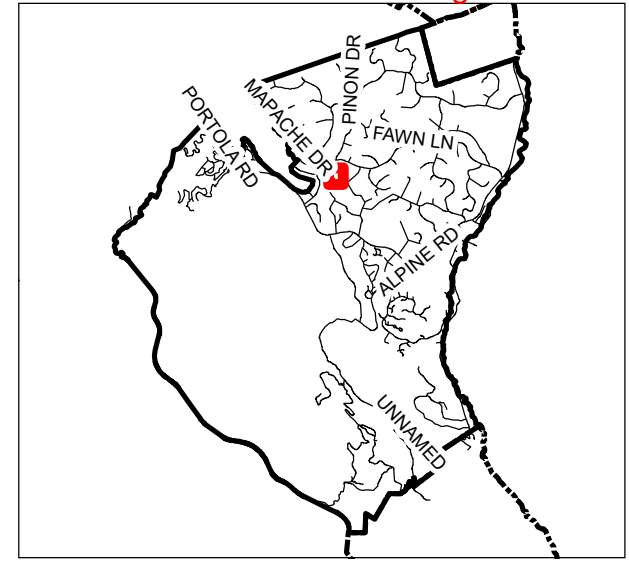




Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



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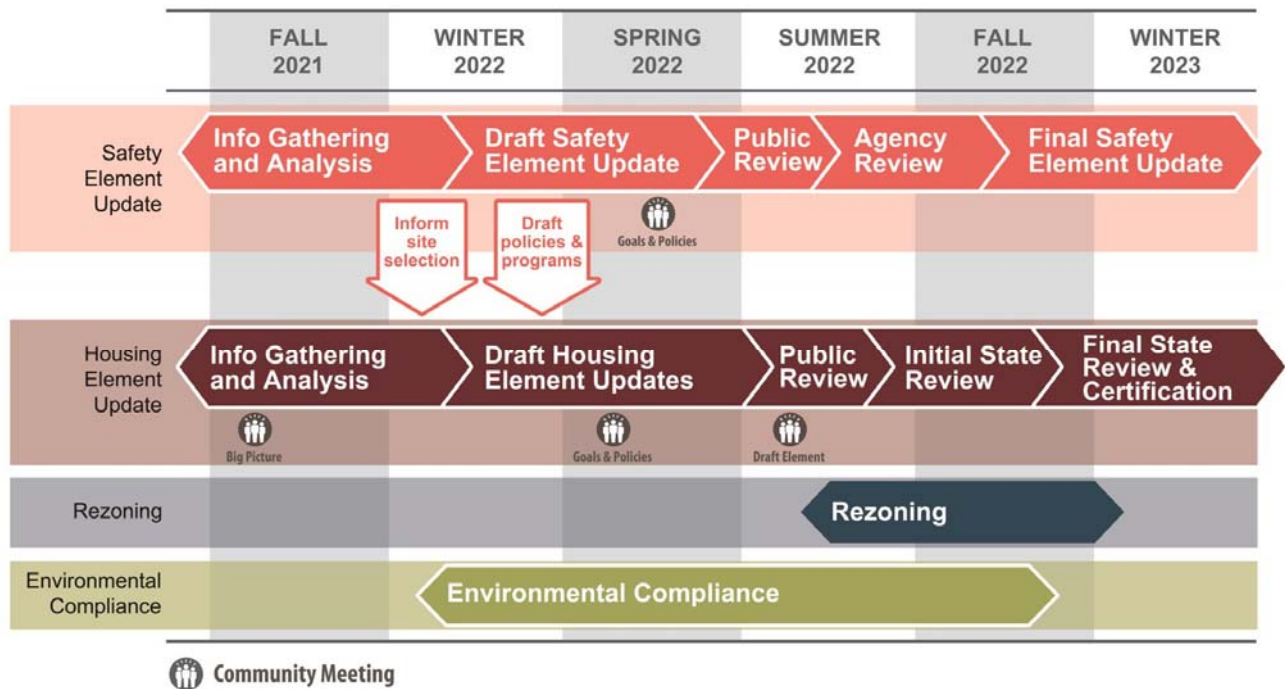
O. 135 Shawnee Pass



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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

Housing Sites Inventory Pt. IV

- Review and discussion potential housing sites

Affordable Housing Programs

- Affirmatively Furthering Fair Housing (AFFH) Policies and Programs

Upcoming Meeting Topics (order to be determined)

Housing Sites Inventory (ongoing)

- Review and discussion potential housing sites leading to recommendation of sites
- ADU Focus Group summary

- Upzone Focus Group summary

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
Special Teleconference Meeting

March 21, 2022

Meeting recording: <https://www.youtube.com/watch?v=hFRBebjll9I&list=PPSV>

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

CALL TO ORDER AND ROLL CALL (0:40sec)

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

Present: Committee Members: Chair Swisher, Aalfs, Armsby, Doyle, Kelly, Kopf-Sill, Pierce, Sill, Targ, Turcott, Ward, Wernikoff, Wolter

Absent: Dorahy

Town Staff: Laura Russell, Planning & Building Director; Adrienne Smith, Senior Planner; Cara Silver, Town Attorney, Jeremy Dennis, Town Manager

NOTES FROM CHAIR SWISHER:

The committee will not be discussing sites inventory for the housing element plan, or any type of zoning or up-zoning at this meeting. There is a slight change to the agenda - the staff update will go first.

ORAL COMMUNICATIONS (2min:22sec)

Oral communication received from:

- Ellen Vernazza: Expressing concern for the residents of the Nathorst neighborhood regarding the rezoning scenarios, specifically the 11 families immediately impacted. Also concerned for the over 1,000 homes on the Western side of Portola Road in terms of traffic and fire evacuation issues that rezoning will cause.
- Director Russell: Notes that anyone with comments beyond their 2 minutes of time can go to portolavalley.com/housingelement to fill out a form with comments to have them included into the record.
- Ronald Eastman: Questions if it has been calculated how much property values will be decreased for the neighboring residents of the properties proposed for site scenario B and site scenario C. Encourages committee to have groups like Habitat for Humanity review the proposals and meet with the committee to provide information on how small homes can be constructed and integrated into the community.
- Jon Silver: Would like to express hope to the public that oral communications be used on a more constructive manner. Any committee, commission, or council cannot act on any items that is not listed on the agenda. Oral communications is merely for informational purposes. Please put comments not related to the agenda in a letter to the committee or keep comments short.
- Bob Adams: Thanks committee for the tough choices they are having to make. Notes that those responding to the survey should be homeowners and/or those who have a financial interest in the town. He would like to see a plan that is fair for everyone.

- David Cardinal: Hoping that attendees will keep their comments constructive. Believes that housing stock is important to more than those who live here. It is important also to the people who work here and have businesses here as well.
- Chair Swisher: Notes on survey summary from previous meeting.

STAFF UPDATE (15min:29sec)

1. Director Laura Russell discussed:
 - a. Thank you to everyone who participated in the February 28th meeting. This meeting had the highest resident participation to date.
 - b. Housing Element Staff Report is available on the town's website. This report includes a general introduction, the town's process, an update on this committee's work, feedback received from the committee, the environmental review, consequences, and the work plan. Notes that this is an effort to keep as much local control as possible and the decisions in the hands of the town.
 - c. Council meeting: Wednesday, March 23, 2022
 - d. Ongoing communications and community engagement/involvement
 - e. Future of this committee; upcoming topics to include housing sites and fair housing.
 - f. Public Records Act Request emails

Committee Questions/Comments:

- Chair Swisher: Would like to clarify the deadline which the town council needs to submit the housing element to the state.
- Director Russell: January 2023, but there are a lot of steps needed to take to get there.
- Chair Swisher: Praise for town staff and the public staff report.
- Turcott: Regarding CEQA and EIR vs. MND, was the analysis done by town staff or Urban Planning Partners? Would like to see the analysis that led to the MND due to the potentially significant impact. When will the analysis or further clarity be available? Director Russell fields these questions and provides information.
- Pierce: Questions whether committee has any roles in the CEQA process and requesting clarity on the timeline for the completion of the basic product and what to expect through summer and fall.
- Targ: Notes that this committee is not a legal requirement. Question regarding committee's scope of work regarding documents related to the housing elements; does the committee have a role in examining the safety element of the MND or the technical reports therein? Recommends that the committee is apprised of all new reports or analysis as soon as it becomes available so that members can provide their best recommendations to other decision-making committees. Director Russell provides information and answers to these questions.
- Kopf-Sill: Question for Attorney Silver regarding the Public Information Act. Should committee reach out to Attorney Silver if clarification if needed on what should be sent? Attorney Silver

provides information and can share the search parameters being used for the public email servers.

Public Questions/Comments:

- Rita Comes: Will the March 16th meeting that was cancelled be rescheduled? Chair Swisher notes that the meeting has been postponed as the town is working with consultants to rework the site's inventory proposal based on community feedback. Director Russell notes that there is no new date scheduled at this time, awaiting feedback from Wednesday's council meeting.
- Kristi Corley: Asks for more detail on the VMT (vehicle miles traveled) and the changes to that law that have occurred. Director Russell provides information.
- Tammy Cole: Resident of Nathorst. Wants to help solve the issue of community involvement. Questions regarding public engagement, considering town-owned properties vs. residential R1 properties, and why most of the housing development proposal fall on the Nathorst triangle.

Committee Questions/Comments:

- Aalfs: Noting committee spent 3 years looking at potential sites, which included town-owned properties.
- Wernikoff: Would like public to know that the committee learns of new ideas, plans, and options at the same time as the public. Reviewing the agenda packet for each meeting can be very helpful.
- Turcott: Does not feel he can make an informed decision about where housing should go without access to information as it becomes available. Would also like committee to consider meeting more regularly to share information and avoid exceptionally lengthy meetings.
- Wolter: As a longtime resident, understands the difficulties facing many residents. Would like to review ADU ordinance and feels there is a lot that can be done there.

PRESENTATION (1hr:00min)

1. **Policies and Programs: First Review** – Senior Planner Adrienne Smith presenting. Key Topics include Overview, Framework for Analysis, Committee Analysis and Discussion Structure. Objectives include determining which eight programs from the current housing element (RHNA Cycle 5) should be removed or modified/rolled forward to the housing element update (RHNA Cycle 6). Director Russell reviews the existing Housing Element Evaluation for committee feedback.

Committee Comments/Questions:

- Pierce: Questions regarding the town taking position on ownership vs. rentals and how that fits into the planning. Does the city have a say on this, and does it intersect with these policies? Director Russell responds. Attorney Silver provides additional information.

- Pierce: Does the city capture informal renters? Director Russell answers. Attorney Silver provides additional information.
- Armsby: Questions and comments on the inclusionary housing piece. Can the program be modified to be more effective? Have successful programs from other communities been constructed differently? Director Russell provides information.
- Chair Swisher: Is there a table being used for inclusionary housing? Does it make sense to adopt a different model? Director Russell answers.
- Armsby: Comments on ADU's and the issues of streamlining the given parameters. Would like to hear more about the transitional and supportive housing ordinance.
- Chair Swisher: Are there examples of programs in our area where incentives are provided? Director Russell provides information.
- Wolter: Questions on inclusionary impact fees, and heritage trees regarding ADU's. Attorney Silver and Director Russell provide information to answer.
- Turcott: Will forward information from the Washington Post providing examples of incentives for ADU development. Question about fair housing and the issues that have been encountered, and if there is value in quantifying the informal rentals in the area. Director Russell answers.
- Chair Swisher: What needs to happen to include informal rentals in the RNHA housing numbers? Director Russell and Attorney Silver weigh in.
- Targ: Comments on addressing mixed-use areas/zoning and housing elements constraints particularly concerning bottlenecks. Director Russell answers.
- Kelly: Questions regarding recasting ADU policies and practical efforts, and the abstractions in the ADU regulations. Director Russell provides information.
- Chair Swisher: Is it appropriate for this committee to delve further into the ADU process and requirements? Director Russell answers.
- Attorney Silver: Reviews the recent changes in ADU laws.
- Pierce: Comments regarding ADU reviews and possible programs that could dedicate an ADU to low rental costs.
- Wolter: Question on the ADU percentages being used. Director Russell answers. Wolter also notes that Atherton's dorm rooms at Menlo College were denied because they were not considered permanent housing.
- Wernikoff: Is the goal of the meeting tonight for the committee to comment on all the programs that are on the document? Director Russell answers.
- Senior Planner Smith: Provides an overview of the Proposed Policies and Programs spreadsheet.

Public Questions/Comments:

- Eastman: Is there a way to buy our way out of the RHNA allocation? Can we pay for affordable housing in the other part of San Mateo County? Possibility of allowing trailers/trailer parks? Attorney Silver answers.
- Hufty: Points regarding procedure and public perception. Feels that town staff and town committees are not interested in ideas presented by the public. Chair Swisher engages, also suggests a write up of those solutions to be presented to the committee.
- Karen: Wondering if affiliated housing program can be broadened, possibly to the schools?
- Adams: Comments on ADU's and the public needs to be more aware of what can be used as an ADU.
- Pfau: Feels the committee is at a disadvantage because it has not seen the safety element yet. Safety elements should be seen and understood before a discussion on where to place housing takes place.
- Comes: Concerned that the committee is not discussing the safety elements and infrastructure issues. Questions on when these will be addressed, particularly infrastructure and bus services.
- Director Russell provides information on housing element and safety element process.
- Shostak: Comments regarding safety element and constraints that will arise once the safety committee meets. Is it possible to have a streamlined set of ADU's that most people would accept.
- Chair Swisher: Notes that the state can come in and take over the housing approval process, removing decision-making from the town.
- Askey: Questions regarding existing housing elements and in-house rentals and counting those towards the RHNA. Also noted on amnesty programs.
- Aalfs: Comments on partners of the affiliated housing program.
- Russell: Comments that use of ADU's needs to be developed further, and pre-approved ADU's should be created. Comments on rezoning and property value.
- Jones: Comments on junior ADU's, and independent apartments within homes. Comments on potential traffic issues with current possibilities.
- Corley: Confirming that committee and town knows that HCD was audited, and that it should be available to this committee and those making decisions. Comment on bill which would allow height change of ADU's. Encouraging town to enforce an impact fee on developers. How many years is the town looking at deed restricted inclusionary housing?
- Greg: Comments on creative ideas regarding ADU's. Comments to consider giving grants to people who bring these units up to code.

- Cardinal: Questions if Portola Terrace and Stanford builds counts against the total? If Glen Oaks were added, could that add mass transit? Director Russell provides information.
- George: Comments that housing being put in these areas are not near affordable businesses/stores. Affordable housing dwellers will not be shopping at these high-priced markets.
- Illich: Comments on the land space owned by Stanford, can this land be released for this purpose? Director Russell answers.
- Fouquet: Provides personal data points regarding the difficulty building an ADU. Director Russell comments on the current process.
- Danna: Comments on incentivizing community to build kitchens.

Committee Discussion:

- Wernikoff: Do ADU's need to be deed restricted to fulfill obligation? Director Russell answers.
- Wernikoff: Beyond zoning the 20 units per acre for the three or four parcels that would arrive to the 64 units or deed restricting, how do we prove to HCD that we have zoned for to enable the 60 for very low income. Director Russell answers
- Turcott: Question on junior ADU's helping with qualification.
- Chair Swisher: Would 50+/senior affordable housing communities qualify? Director Russell provides information.
- Sill: Comments on inclusionary housing program, and feels it needs to be updated/modernized. Comments on housing impact fees and incentivization. Comments on broadening the affiliated housing program. Would like to encourage homeowners to create junior ADU's in their homes.
- Ward: Encourages residents to drive up Gambetta Lane and view the priory. Shares thoughts on various possibilities for using the inclusionary housing fund. Comments on developer incentivization and property maintenance. Comments on non-employees living in an affiliated housing site.
- Dorahy: Curious about partnerships with organizations like the Human Investment Project for housing, and if those relationships could help create junior ADU's. Comments on providing amnesty to those already providing ADU's. Would like town members to acknowledge the hard work of the committee and staff and praises their outreach efforts.
- Wernikoff: Comments on affiliated housing and personal experience. Likes the idea of amnesty for current ADU's, and caregiver matching program. Comments on rezoning in program 1 and streamlining the approval process. Would like to look further into streamlining the approval process and notes checklists may work well here. Expresses that there should be some fine-tuning to the inclusionary policy. How can we create incentives that aren't monetary?

- Armsby: Shares thoughts that if the money needs to be tied to affordable housing, it seems that would come from deed restriction. Public money needs to have the correct strings attached. Mentions the HIP home sharing program and is wondering if it should be revisited.
- Wolter: Supports inclusionary impact fees. Requests housing larger than 1200 sf to incentivize more family-friendly housing. Comments on heritage trees, SB9 applications. Would like staff to review setbacks. Supports mixed-use zoning. Does not feel town should buy their way out of what is needed.
- Kopf-Sill: Would like to look further into SB9 to encourage that. Would like to see examples of the form-based code.
- Chair Swisher: To Kopf-Sill, how do you feel about opening affiliated housing to non-employees?
- Kopf-Sill: In favor.
- Pierce: Interested in having ADU's owners commit to a period of time to keep their rents low, provide incentives or supplementation.
- Ward: Concerning local control and community participation, ideas to create a community development corporation using government funding and/or private funding, and create our own parameters.
- Turcott: Comments on making use of existing housing stock. Comments on incentivization of conversions to junior ADU's or non-occupied structures. Points made pertaining to fire safety program: vegetation management, wildfire risk mitigation, best practices. In favor of generalized affiliated housing.
- Aalfs: Feels town should expand on inclusionary housing and expand beyond employees of affiliates. More consideration needed for impact fees. In favor of anything that will encourage ADU's and junior ADU's, though town must make sure these units are used in the appropriate way. Would like to reach out to HIP again. Believes town still needs to consider multi-family and higher density housing.
- Kelly: Agrees with Aalfs that multi-family housing is going to happen and needs to be accepted. Need to find the methodology for finding the right places to do that - there is no single answer. Expanding affiliated housing to include others suggests that town doesn't need affiliated housing – it seems to be more an issue of supply. Every cost being passed to developers makes projects less likely to be built.
- Targ: Moving to mixed-use and moving away from affiliated makes the most sense. Town needs to think more broadly regarding multi-family. Comments on transferable development.
- Armsby: In favor of removing the restriction on affiliated housing, but in doing so it is no longer truly affiliated housing.
- Chair Swisher: Appreciates all of the work from the staff. Notes to staff to think about where they will get the biggest return on efficiency and making movements towards the end goal and reduce extra work for staff.

- Director Russell: Confirming points heard during meeting such as money available to the town to produce the ADU's and other resources available to the staff
- 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.

APPROVAL OF MINUTES (4hrs:04mins)

2. **Ad Hoc Committee of Housing Element** – Prior minutes not available at the time of this meeting.

Public Comments on the Minutes:

- None

Final Remarks

- Chair Swisher: Thank you to committee and staff – we are making progress.
- Wernikoff: Thank you to Chair Swisher for leadership.

ADJOURNMENT (4hrs:05mins)

Chair Swisher adjourned meeting.

Submitter DB ID 6306
IP Address 98.186.218.161
Submission Recorded On 04/22/2022 8:57 PM
Time to Take the Survey 7 minutes, 22 secs.

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

Craig Buchsbaum

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 would like a succinct statement of what is going on. i feel we are not being informed in a reasonably efficient way as to what is being decided. i am middle of the road on these issues and cant discern what is happening. cant you produce a one page bullet list of what is going on?

i know those of you that are spending numerous hours on this think those of us that are not might not deserve this courtesy, but that is democracy, i respect your time but please respect ours too,

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

Dylan Parker

From:
Sent: Monday, April 18, 2022 1:21 PM
To: housing
Subject: PV Resident

Greetings. We have been residents of Portola Valley for 33 years. I recently read our commitment to ADUs (Accessory Dwelling Units) from a PV town correspondence. I will be in meetings this week at both dates/times, which will conflict with the Zoomed broadcast by the ADU group. I am interested in discovering further Re ADU and PVs process to permit its development. Will there be a recording of the meeting that you could forward to me at the above email address? Please keep me on the list for future dissemination of information regarding this matter. Thanks.

~ Patrick Yam
230 Golden Oak Drive, PV 94028
c.: 650. 544. 7654

“Execution is the Chariot of Genius”
~ William Blake

Dylan Parker

From:
Sent: Monday, April 18, 2022 1:37 PM
To: Rebecca Flynn
Cc: PV Forum; housing
Subject: Re: [PVForum] #PV Thoughts on housing

Thank You Rebecca; what a well researched, well written information packed email. PV is so fortunate to have you in our community.
Joyce Shefren

On Mon, Apr 18, 2022 at 8:52 AM Rebecca Flynn wrote:

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

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

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

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

We have very challenging terrain in Portola Valley where additional higher density housing would not work. But there are definitely many areas and properties that could add one or a few new housing units. I keep seeing people post (in near hysteria) about adding 20–36-unit apartment buildings. Why do people keep bringing up

that threat? There has been no suggestion by the PV Planning Department or the Housing Element Committee to add 4 or 5 story apartment buildings to Portola Valley. Why not? Because 4 and 5 story apartment buildings are not necessary to achieve the goals of the Housing Element. Three-story buildings are most likely not necessary either. Even if we do need to up zone a very few lots along Alpine or Portola Road or somewhere else safe in Town to as much as 20 units/acre, that density can be achieved with 2-story buildings made up of small units, townhomes, duplexes, triplexes, or quadplexes, or with groups of small cottage type homes. The key will be to build smaller units to ensure they are more affordable for a wider range of residents. It will be critical to identify sources of funding to help get some of the more affordable housing built on properties where people want it built but can't afford to build it themselves.

There is no need for large apartment buildings that don't fit into the style of Portola Valley. Neither is there any need to build on top of our sports fields. What will be needed is a few properties with slightly higher density than currently: maybe a 3-acre property with 6-10 homes instead of 1, a 1-acre property with 4 or 6 homes instead of none, and maybe just a very few properties up zoned to R3 (20 units/acre) along Alpine and Portola. The more Adus and small up zoning that can be spread throughout the safer areas of Portola Valley, the less need for greater density up zoning.

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

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

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

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

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

<https://forms.gle/zi9aFJcaAkVtJuMZ9>

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

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

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

There are, however, also many properties for which adding additional housing is not possible from a safety or privacy standpoint. Those properties also need to be identified as well for future push back to the State. Fill out

the form for the property and detail the safety or privacy issues that make added housing unsafe or unreasonable for the property or the neighborhood.

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

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

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

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

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

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

What are current laws and regulations?

https://library.municode.com/ca/portola_valley/codes/code_of_ordinances?nodeId=TIT18ZO

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

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

Under the latest SB9 regulations passed in PV to comply with state law, private property owners with lots in many areas in Portola Valley now have the right to have one existing primary residential dwelling unit, one new primary residential dwelling unit, one accessory dwelling unit, and one junior accessory dwelling unit, for four units in total. The dwelling units must comply with safety regulations which may limit the size and location of new buildings. In the event a private property owner chooses to split their lot with an SB9 split, the resulting 2 lots can have a maximum of 4 SB9 units spread over the two new lots. Those units can consist of primary residential unit or an ADU. The maximum will always be 4 units on what was the original lot. "The development can be denied if it poses specific, adverse impact on public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact." Very high wildfire risk properties as well single egress, less than 18' wide are prohibited from adding SB9 housing. (Note: SB9 was actually written to give greater control to *private property owners* by taking away *local control*. That means a property owner has greater options to develop their private property *without the input of their neighbors or of the Town*. This obviously has serious implications on all sides. Private property owners now have the ability to build at greater density on their property if they want but their neighbors are the ones more at risk of potential side effects of that greater density. The safety issues on many properties in our Town, including fire risk, steep slopes, and unstable ground will preclude the addition of housing units in quite a few areas in Portola Valley. Bear in mind that any restrictions on SB9 units or ADUs are also restrictions on private property rights. There's definitely a balance needed between safety and those rights.)

The following are the restrictions:

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

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

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

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

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

Permissible types of ADUs:

1. An efficiency unit (150 sf minimum). Partial kitchen and bath facilities.
2. A manufactured home (8 x 40) 320 sq feet. Kitchen and bath facilities. (I believe this can include wheeled tiny homes but need confirmation).
3. Junior ADU up to max 500 sf (internal to a building on the site) Requires a private entrance, kitchenette, and at least shared bath facilities. My understanding of kitchen requirements is that they must contain a sink, counter, refrigerator, and oven. A microwave oven may suffice. Induction cooktops are easily added without construction required. ("Permanent provisions for living, sleeping, eating, cooking, and sanitation.")
4. Internal ADU. Created by converting existing or proposed interior space of a single-family or multi-family structure, such as bedrooms, attached garages, basements or attics, or a combination thereof. Converted space can also be within an existing accessory structure. Requires a private entrance, private kitchen, and private bath. Maximum size is 1700 square feet for internal ADUs on all parcel sizes.
5. External ADU. A unit which requires new construction (i.e. a permit), either attached to or detached from the main building. An existing accessory building can be turned into an ADU by the addition of the missing requirements (private entrance, private kitchen, and private bath). Maximum sizes:
 - a. 850 sq for up to one bedroom (SB9 regs) and not complying with setbacks and zoning.

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

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

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

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

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

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

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

Other sources of information:

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

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

[Bill Text - SB-9 Housing development: approvals. \(ca.gov\)](#)

[California Code, Government Code - GOV § 65852.2 | FindLaw](#) (ADU)

Regards,

Rebecca Flynn

Links:

You receive all messages sent to this group.

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[Your Subscription](#) | [Contact Group Owner](#) | [Unsubscribe \[jwshefren@gmail.com\]](#)

Dylan Parker

From: Andrew Thompson
Sent: Monday, April 18, 2022 4:16 PM
To: housing
Subject: Response to Housing Element Feedback Request

Dear Laura

We would like to respond to your April 8 Portola Valley Housing Element Feedback Request.

We have concerns that this proposal creates incentives for those who are leaving PV to apply for upzoning and then sell to a developer. The resulting new high density homes will not be “affordable” – look at process in Sharon Heights or many other developments in Menlo Park.

This process has the potential of destroying the rural nature of Portola Valley, creating instead a high density community that has insufficient infrastructure to support a much larger group of residents.

Portola Valley is a resource much treasured by many in the Bay Area for biking, hiking and enjoyment of the outdoors. We urge the Town to abandon this proposal and look for ways to preserve the rural character of our community. The unique nature of Portola Valley is why most of us moved here and why many who do not live in Town oppose the destruction of our scenic corridors and natural surroundings.

Thanks for your consideration.

Andy and Sylvia Thompson
840 Westridge Drive Portola Valley

Dylan Parker

From: Bob Adams
Sent: Tuesday, April 19, 2022 5:17 PM
To: housing
Subject: Re: 4.18.22 ADU Focus Group Discussion Presentation

Two comments to today's ADU discussion from those without ADUs

- JADUs have much more opportunity for producing units in the next cycle than ADUs. They are simpler, far less expensive, and I suspect can get through the Planning Commission much faster.
- Most people in the Town have never heard of JADUs or their cost/approval cycle. If we can develop some reasonable policies, I am willing to help the town develop the processes and educate residents so that they know there is a much less expensive way to have an ADU. In my opinion, the Town has not done a great job educating residents, and this is an area of skill I believe I can add to get a better result. To me, JADUs are a place of great leverage, with respect to RHNA and our HCD report due at year end.

Thank you,

Bob Adams
bobadams@pacificadv.com
(650) 851-8590

On Tue, Apr 19, 2022 at 3:53 PM housing <housing@portolavalley.net> wrote:

Hello,

Attached are the presentation slides for you to follow along with tonight's discussion.

Dylan Parker

From: Ioni singer
Sent: Thursday, April 21, 2022 1:34 PM
To: main@pvforum.us
Cc: housing
Subject: #info Affordable Housing: The Monocle Minute – Thursday 21 April 2022

For some real out-of-the-box thinking. What if the town offered co-housing developers town land to develop? These communities are often low income, family- and community-oriented and by design, this would ensure our town some control over keeping the development within reach for "low income" vs. falling prey to market forces. Personally, I also really like that it brings people into town that want to be a part of community...one of the things that makes PV so special in the first place. Often co-housers are very concerned with the environment and the impact of the build is almost always in this spirit. There are developments here in CA we could look to...and developers who specialize in building such communities. The footprint is rarely (other than in urban cohousing environments) large, multi story structures which is also nice.... I'm picturing Sarah Doharty's comment at the last meeting of wanting to arrive at an affordable PV Ranch like community for our lower income residents. This certainly would fit the bill. Scroll down to the end of the Monocle newsletter to listen to the short film on Denmark's success with these. I have a few books on the topic as (TMI perhaps) this was something I was very interested in exploring for my young family when I was still a bit of a hippie dreamer.

Best,
Loni

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

From: Monocle <newsletter@monocle.com>
To: Ioni
Sent: Wednesday, April 20, 2022, 11:01:36 PM PDT
Subject: The Monocle Minute – Thursday 21 April 2022

LONDON / ZÜRICH / TORONTO
LOS ANGELES / HONG KONG / TOKYO
THURSDAY. 21/04/22

The Monocle Minute



OPINION / JOSH FEHNERT

Matter of trust

Journalists can be rather grandiose. At their loftiest, some dub their scribbles “the first draft of history”, claim that they’re speaking “truth to power” or wang on about Watergate. In the real world the reputation of the fourth estate has been bruised by funding cuts, fake news and misjudged revenue models. Meanwhile, as the availability of information increases, the need for a trustworthy read on the world has never been more pressing.

This struck me afresh as I looked at Monocle’s report on Nato’s Cold Response exercise, recently held in Norway and documented in the [May issue](#) of Monocle, which is out today. Planned before Russia’s invasion of Ukraine, the exercise involved drilling 30,000 troops from 27 countries. Those taking part spoke of Nato’s aims with a radical candour – an openness reflected in the access we were granted. A similar transparency can be glimpsed in the way in which the UK and US have trailed military intelligence about false-flag operations and Russian advances to outflank, forewarn and fight the advance of disinformation.



Elsewhere in this issue we hear from a former producer at the Kremlin-backed broadcaster RT. They recall sourcing clickbait and “silly stories” to offset the overtly pro-Putin news agenda and note dysfunctional working practices, propaganda and calls by senior staff to “create” rather than report stories. This seedy, closed-off world is a galling glimpse at what could happen to journalism – and its high-minded aims – if left unprotected.

While not every article can fell a president, win a war or unpick all the knottiest problems of modern life, stories *can* create a better-informed, opportunity-oriented and even optimistic world with narratives that nudge us in a better direction. For more of those, plus Monocle’s annual Design Awards and dispatches from around the world, pick up a copy of the May issue or support our journalism by [subscribing today](#).

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DEFENCE / FINLAND

Picking sides

A landmark debate was held yesterday in the Finnish parliament over whether the country should attempt to join Nato. Calls for accession have grown louder since Russia invaded Ukraine on 24 February. Prior to the conflict, between 20 and 30 per cent of Finns were in favour of joining the alliance but that has since soared to more than 60 per cent. Yesterday’s five-hour debate was one of a series of efforts to achieve a broad consensus. Speaking to lawmakers, prime minister Sanna Marin (*pictured*) said that unity is the greatest security guarantee for Finland and its people. What’s

clear from the debate is that parliamentarians are strongly in favour of joining the military alliance. At this point, Finland's membership application appears to be a question of when, not if. Should it be accepted, neighbouring Sweden might follow suit.



For more on the Finnish parliamentary debate, tune in to today's edition of ['The Globalist'](#) on Monocle 24.

ELECTIONS / MARTINIQUE

Way out west

With more than a million French voters based in the West Indies, it's notable that no senior member of Emmanuel Macron's government has travelled to the region ahead of Sunday's presidential run-off election. A sense of disconnection with Paris and its diktats during the pandemic, coupled with a strong left-leaning tradition, led a majority of voters in Martinique to plump for far-left candidate Jean-Luc Mélenchon

in the first round. Many are now flirting with the far-right Marine Le Pen, despite historical reservations.



“Votes for the far-right have traditionally been very low here because they’re perceived as nostalgic for France’s colonial greatness,” Jean-Michel Hauteville, correspondent for *Le Monde* in Martinique, told Monocle 24’s [The Briefing](#). “On the other hand, Macron is perceived as a president who is very aloof, very Parisian. The last time he came to the French West Indies was four years ago.” France would do well to give its territories more attention.



AVIATION / USA

Flying on water

Comotion, the pre-eminent gathering on the future of urban mobility, is under way in Miami and mayor Francis X Suarez will give his closing keynote speech today. Delegates also received a first look yesterday at an all-electric prototype sea glider by Boston-based manufacturer Regent. The planes will offer “zero-emission, high-speed coastal transportation” and will be in service by 2025, CEO Billy Thalheimer tells The Monocle Minute. Regent’s debut 12-seater Viceroy will cruise at 290km/h and can travel a distance of 290km, using existing dock infrastructure to travel “point to point without the headache and hassle of dealing with airports, interstates or trains”, says Thalheimer. It’s bold talk from a firm that’s only slated to begin sea trials for a full-scale prototype next year but Regent has already bagged a \$427m (€395m) deal with Ocean Flyer, an aviation outfit in New Zealand that acquired Air Napier in 2018. It has purchased 15 Viceroy and 10 forthcoming Regent Monarchs, designed to carry 100 travellers.



The Monocle Quality of Life Conference Paris 2022



At *le19M*

in partnership with **CHANEL**

CULTURE / ITALY & UKRAINE

Paying tribute

The art world often has an inflated opinion of its own relevance when it comes to real-life events. But at the 2022 Venice Biennale Arte opening this week, there was near-universal agreement among attendees and commentators that the war in Ukraine had been addressed as sensitively as it could be. Russia pulled out of the event early on in the war, which didn't stop a lone protester attempting to unfurl a

banner outside its shuttered pavilion as the first crowds filtered into the Giardini. As well as a permanent structure in the Arsenale, the Giardini's main square has been given over to a temporary pavilion named Piazza Ucraina.



Dedicated to the war-torn country's artists, it is ringed by charred wooden walls and at its centre is a large pyramid of sandbags – a poignant reminder of what now encases most of Ukraine's cultural riches. In an interview for Monocle's [May issue](#), Lizaveta German, co-curator of Ukraine's pavilion, said that her nation's presence shows that, "Ukraine is not just a country of disaster but one with a strong vision for the future."

MONOCLE 24 / MONOCLE ON DESIGN

Experimental living

We look at the effect of living in spaces at the cutting edge of design, from a De Stijl gem in Utrecht to mid-century residences in Perth.



LISTEN TO THE EPISODE (30 MINS)

MONOCLE FILMS / DENMARK

Samfundssind: community spirit in Denmark

Housing co-operatives are numerous in Denmark, providing residents with affordable places to live, keeping community spirit strong and cultivating samfundssind: the Danish concept of putting society's needs ahead of individual interests. Monocle visited the Jystrup Savværk co-housing community, an hour outside of Copenhagen, to explore the meaning of the word. Discover more stories and ideas from the region with [The Monocle Book of the Nordics](#), which is available now from The Monocle Shop.



WATCH THE FILM (4 MINS)

NEWSLETTER / JOIN US

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Dylan Parker

From: Eugene Chaput
Sent: Friday, April 22, 2022 12:29 PM
To: housing
Subject: Challenge to Ca State housing mandates
Attachments: CALE press release Audit.pdf

Per my earlier submission (read below), contacted Susan Candell (former mayor of Lafayette and currently spearheading the challenge by CALE —California Alliance of Electeds - and miscellaneous other CA towns and cities including SCAG) and her just received response strikes me as most encouraging (if our Town has the gumption to join in and challenge our so-called elected legislative ‘representatives’.) Here is Susan’s response to my inquiry this morning ...

Hi! If you are around this Sunday at 4pm, CALE will be talking to the attorneys who filed the lawsuit against HCD last year over the RHNA numbers on behalf of the Orange County Council of Governments and a few cities. They are suggesting that we create a new lawsuit for ABAG region since our timings are different. If 4 cities join, they say it will be only like \$10k/city since they have the lawsuit basically already written. This is how to fight these now debunked allocations. I'm attaching CALE's press release about the Audit.

Here is the link if you want to listen at 4pm this

Sunday: <https://us02web.zoom.us/j/6377599629?pwd=WTIWS1RjcWpoc3VERVhWNkozZkNtUT09>

-Susan

From: Eugene Chaput
Date: April 20, 2022 at 1:10:16 PM PDT
To: main@pvforum.us
Subject: #PV

FYI —

CA State Auditor’s Report on exaggerated housing needs/numbers and commitments.

Sent to PV Town Council (below)

Begin forwarded message:

From: Eugene Chaput
Date: April 20, 2022 at 1:03:25 PM PDT
To: chughes@portolavalley.net, John Richards
 <jrichards@portolavalley.net>, jaalfs@portolavalley.net, mderwin@portolavalley.net, swernikoff@portolavalley.net
Subject: CA State Auditor’s Report on exaggerated housing needs

Will the Portola Valley Town Council take an official position to support the California State Auditor’s Report confirming that the CA HCD GROSSLY MISCALCULATED and OVER ESTIMATED California’s housing needs and enjoin with the California Alliance of Local Electeds (CALE) to challenge the

various government entities who have made the housing demands based on erroneous data?

gene chaput

(See below — Findings)

Subject: Re: State auditor report

The article below claims the state auditor concludes that the California HCD office grossly miscalculated and over-estimated our housing needs. The article below claims the state auditor concludes that the California HCD office grossly miscalculated and over-estimated our housing needs. Why is this important? Because new laws recently pass say that if a city does not meet these impossibly high new RHNA housing figures, a developer can ask that projects go through without public hearings, without environmental review, etc.

FOR IMMEDIATE RELEASE

Contact: Susan Candell, thecandells@comcast.net

California State Auditor releases scathing report on RHNA process Report finds housing goals are not supported by evidence

On March 17, Michael S. Tilden, the Acting California State Auditor, issued a blistering critique of the Department of Housing and Community Development (HCD) and its Regional Housing Needs Assessments (RHNA). The Auditor found problems in the HCD methodology that may have inflated RHNA requirements by hundreds of thousands of housing units.

The Auditor concludes that “The Department of Housing and Community Development must improve its processes to ensure that communities can adequately plan for housing.” In his letter to the Governor and legislative leaders, the Auditor also states, “Overall, our audit determined that HCD does not ensure that its needs assessments are accurate and adequately supported. ... This insufficient oversight and lack of support for its considerations risks eroding public confidence that HCD is informing local governments of the appropriate amount of housing they will need.” The California Alliance of Local Electeds (CALE), a statewide organization of local elected officials, called for the comprehensive review and supports the State Auditor’s findings. Says Susan Candell, a CALE member and councilmember from the city of Lafayette, “CALE advocated for this audit, and it’s critical that HCD and the legislature follow-up on the Auditor’s recommendations. Our constituents deserve a fair and accurate process.”

State Senator Steve Glazer (D-Orinda), a member of the Joint Committee on Legislative Audit and a former mayor of the city of Orinda, states “It is these types of mistakes that undermine community trust and confidence in housing requirements. We need more affordable housing, and we have to do better.”

Since 1969, California has required that all local governments create plans to meet the housing needs of their communities, a process called the regional housing needs assessment (RHNA). Each eight-year RHNA cycle starts with population and household projections from the demographic unit at the Department of Finance (DOF). These projections are then handed off to HCD for

their estimates of the number of housing units required to meet California's needs. The RHNA process was modified in 2018 by Senate Bill 828 (Wiener), which created several ad hoc adjustments that have led to the problems cited in the State Auditor's report.

Auditor findings on vacancy rates are consistent with Embarcadero Institute analysis. Unfortunately, the audit reviewed the RHNA plans from only eight counties, which together contain less than eight percent of California's population. Due to pending lawsuits the audit did not consider the RHNA plans of the two largest planning organizations, the Southern California Association of Governments (SCAG) and the Association of Bay Area Governments (ABAG). These two regions contain almost two-thirds (65.5 percent) of the state's population. This omission makes it difficult to grasp the scale of the problems created by HCD's errors. However, the Embarcadero Institute, a Northern California think tank, estimated that HCD's incorrect vacancy rates created an overcount of 200,000 housing units. Conceptual inconsistencies between DOF's household projections and HCD's housing unit projections created an additional overcount estimated at 700,000 housing units. Thus the RHNA requirement of 2.1 million new housing units may be contaminated by an overcount of 900,000 units. The Auditor's report does not attempt to reconcile these differences because HCD's procedures are not clearly documented. Instead it has insisted that both DOF and HCD clarify and publish their methods and assumptions.

Auditor recommendations The Auditor's report made strong recommendations and created a timeline for their completion. Several tasks must be undertaken between June 2022 and February 2023 including performing multiple reviews of data, establishing formal review procedures, reviewing the appropriateness of comparison regions, and conducting an analysis of healthy vacancy rates and their historical trends. The Department of Finance is tasked with reviewing its population projections based on 2020 census data and conducting a comprehensive review of assumptions about household formation rates. Says CALE's Julie Testa, councilmember from the City of Pleasanton, "Unless HCD and DOF complete this work and correct their mistakes, there is no justification for punishing cities for failing to meet erroneous RHNA goals. The Legislature should suspend implementation of RNHA until the public is satisfied these problems have been resolved."

About CALE The California Alliance of Local Electeds (CALE) brings together current and former local elected officials, community activists and other concerned residents. CALE believes that California's 482 municipalities are too geographically and culturally distinct to be subjected to one-size-fits-all rules from the state capitol. CALE believes that communities thrive when local democracy thrives.



CALIFORNIA ALLIANCE OF LOCAL ELECTEDS

April 6, 2022: FOR IMMEDIATE RELEASE

Contact: Susan Candell, thecandells@comcast.net

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The Auditor found problems in the HCD methodology that may have inflated RHNA requirements by hundreds of thousands of housing units. The Auditor concludes that “The Department of Housing and Community Development must improve its processes to ensure that communities can adequately plan for housing.”

In his letter to the Governor and legislative leaders, the Auditor also states, “Overall, our audit determined that HCD does not ensure that its needs assessments are accurate and adequately supported. ...This insufficient oversight and lack of support for its considerations risks eroding public confidence that HCD is informing local governments of the appropriate amount of housing they will need.”

The California Alliance of Local Electeds (CALE), a statewide organization of local elected officials, called for the comprehensive review and supports the State Auditor’s findings. Says Susan Candell, a CALE member and councilmember from the city of Lafayette, “CALE advocated for this audit, and it’s critical that HCD and the legislature follow-up on the Auditor’s recommendations. Our constituents deserve a fair and accurate process.”

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Since 1969, California has required that all local governments create plans to meet the housing needs of their communities, a process called the regional housing needs assessment (RHNA).

Each eight-year RHNA cycle starts with population and household projections from the demographic unit at the Department of Finance (DOF). These projections are then handed off to HCD for their estimates of the number of housing units required to meet California's needs. The RHNA process was modified in 2018 by Senate Bill 828 (Wiener), which created several *ad hoc* adjustments that have led to the problems cited in the State Auditor's report.

Auditor findings on vacancy rates are consistent with Embarcadero Institute analysis

Unfortunately, the audit reviewed the RHNA plans from only eight counties, which together contain less than eight percent of California's population. Due to pending lawsuits the audit did not consider the RHNA plans of the two largest planning organizations, the Southern California Association of Governments (SCAG) and the Association of Bay Area Governments (ABAG). These two regions contain almost two-thirds (65.5 percent) of the state's population. This omission makes it difficult to grasp the scale of the problems created by HCD's errors.

However, the Embarcadero Institute, a Northern California think tank, [estimated that HCD's incorrect vacancy rates created an overcount of 200,000 housing units](#). Conceptual inconsistencies between DOF's household projections and HCD's housing unit projections created an additional overcount estimated at 700,000 housing units. Thus the RHNA requirement of 2.1 million new housing units may be contaminated by an overcount of 900,000 units.

The Auditor's report does not attempt to reconcile these differences because HCD's procedures are not clearly documented. Instead it has insisted that both DOF and HCD clarify and publish their methods and assumptions.

Auditor recommendations

The Auditor's report made strong recommendations and created a timeline for their completion. Several tasks must be undertaken between June 2022 and February 2023 including performing multiple reviews of data, establishing formal review procedures, reviewing the appropriateness of comparison regions, and conducting an analysis of healthy vacancy rates and their historical trends. The Department of Finance is tasked with reviewing its population projections based on 2020 census data and conducting a comprehensive review of assumptions about household formation rates.

Says CALE's Julie Testa, councilmember from the City of Pleasanton, "Unless HCD and DOF complete this work and correct their mistakes, there is no justification for punishing cities for failing to meet erroneous RHNA goals. The Legislature should suspend implementation of RNHA until the public is satisfied these problems have been resolved."

About CALE

The California Alliance of Local Electeds (CALE) brings together current and former local elected officials, community activists and other concerned residents. CALE believes that California's 482 municipalities are too geographically and culturally distinct to be subjected to one-size-fits-all rules from the state capitol. CALE believes that communities thrive when local democracy thrives.

Dylan Parker

From: Eugene Chaput <genechaput@sbcglobal.net>
Sent: Friday, April 22, 2022 5:08 PM
To: housing
Subject: Fwd: CA State Auditor's report and resulting challenge(s)

Begin forwarded message:

From: SUSAN CANDELL <thecandells@comcast.net>
Date: April 22, 2022 at 3:56:28 PM PDT
To: Eugene Chaput <genechaput@sbcglobal.net>
Subject: Re: CA State Auditor's report and resulting challenge(s)

Very cool - thanks so much for getting the word out! This is going to be such an important meeting this Sunday!

-Susan

On 04/22/2022 3:01 PM Eugene Chaput <genechaput@sbcglobal.net> wrote:

Hi Susan - Have friend who was on Woodside Council and she will notify all. She is currently on Harbor Commission. Getting the word out. Sent your info to our 'Ad Hoc Housing Committee'.

Thanks again for your hard (and persistent) work.

g/

PS Our granddaughter (Alexis Chaput) lives in Lafayette.

On Apr 22, 2022, at 1:40 PM, SUSAN CANDELL <thecandells@comcast.net> wrote:

My council won't even let me put it on an agenda, yet. But I think others might. What about your neighbor Woodside? Are there councilmembers who might want to listen on Sunday?

On 04/22/2022 11:55 AM Eugene Chaput <genechaput@sbcglobal.net> wrote:

Terrific. Many thanks Susan. Make it a point to be around. Will 'grease the wheels'! You're on and will see if our Town Council will sign on. And thanks for quick timely response. Wooo Hooo.

g/

‘Experience comes from bad judgment’

On Apr 22, 2022, at 11:34 AM,
SUSAN CANDELL
<thecandells@comcast.net> wrote:

Hi! If you are around this Sunday at 4pm, CALE will be talking to the attorneys who filed the lawsuit against HCD last year over the RHNA numbers on behalf of the Orange County Council of Governments and a few cities. They are suggesting that we create a new lawsuit for ABAG region since our timings are different. If 4 cities join, they say it will be only like \$10k/city since they have the lawsuit basically already written. This is how to fight these now debunked allocations.

I'm attaching CALE's press release about the Audit. Here is the link if you want to listen at 4pm this Sunday:
<https://us02web.zoom.us/j/6377599629?pwd=WTIWS1RjcWpoc3VERVhWNkozZkNtUT09>

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bal.net> wrote:

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To:
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pvforu
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Subject: #PV

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Dylan Parker

From: Eugene Chaput <genechaput@sbcglobal.net>
Sent: Sunday, April 24, 2022 8:13 PM
To: housing
Subject: Fwd: #PV

From: Eugene Chaput <genechaput@sbcglobal.net>
Date: April 24, 2022 at 7:22:25 PM PDT
To: main@pvforum.us
Subject: #PV

Having just listened to a 1-1/2 hour Zoom call presented by CALE (California Alliance of Local Electeds); the thrust of the meeting was a discussion/presentation of legal opportunities to challenge the State RHNA mandates and SB 9; this discussion lead by two prominent and experienced attorneys representing several cities in Southern California already in litigation. In attendance in addition to various ELECTED mayors and civic officials from both Northern and Southern California — INCLUDED the Palo Alto City Attorney and mayors from Woodside, Los Altos, Lafayette and other local municipalities. Insofar as I posted this IMPORTANT webinar affecting our Town at least four times in the past two weeks, we had NO representation from any Council members or even Town attorney Silver; only three of us ‘Townie’ residents. I am not saddened but rather disgusted and annoyed. To not take the opportunity and advantage to be informed of options is inexcusable. No two ways about it!

The purpose of the discussion was to begin to secure support to challenge and overturn/revise these two measures. The two attorneys asked that town and city attorneys contact them (FREE) to discuss options, next steps and commitments. The fees to initiate a new NorCal version of the SoCal suits are approximately in the neighborhood (depending on the number of jurisdictions that join the effort) of \$20K (or even less) to take it thru trial. A rather paltry amount it seems. Let’s get on the ball, and explore our options. What do we have lose? Just our own destiny.
g/

Dylan Parker

From: Eugene Chaput <genechaput@sbcglobal.net>
Sent: Monday, April 25, 2022 10:20 AM
To: Craig Hughes; John Richards; Maryann Moise Derwin; Sarah Wernikoff; Jeff Aalfs
Cc: housing
Subject: Fwd: #PV
Attachments: CALE press release Audit.pdf

This the lead attorney for the PV Town Attorney to contact. She is trying to gauge the level of interest. There is NO charge for the attorney inquiry. Other municipalities have availed themselves of her services per my post of yesterday.

Sunny Soltani

Equity Partner/Executive Committee at Aleshire & Wynder, LLP | City Attorney, City of Carson

Aleshire & Wynder, LLP Loyola Law School, Loyola Marymount University
Irvine, California, United States

On Apr 22, 2022, at 12:11 PM, gene chaput <genechaput@sbcglobal.net> wrote:

Per my earlier submission (read below), contacted Susan Candell (former mayor of Lafayette and currently spearheading the challenge by CALE — California Alliance of Electeds - and miscellaneous other CA towns and cities including SCAG) and her just received response strikes me as most encouraging (if our Town has the gumption to join in and challenge our so-called elected legislative ‘representatives’.) Here is Susan’s response to my inquiry this morning ...

Hi! If you are around this Sunday at 4pm, CALE will be talking to the attorneys who filed the lawsuit against HCD last year over the RHNA numbers on behalf of the Orange County Council of Governments and a few cities. They are suggesting that we create a new lawsuit for ABAG region since our timings are different. If 4 cities join, they say it will be only like \$10k/city since they have the lawsuit basically already written. This is how to fight these now debunked allocations.

I'm attaching CALE's press release about the Audit.

Here is the link if you want to listen at 4pm this Sunday: <https://us02web.zoom.us/j/6377599629?pwd=WTIWS1RjcWpoc3VERVhWNkozZkNtUT09>

-Susan

From: Eugene Chaput
<genechaput@sbcglobal.net>
Date: April 20, 2022 at 1:10:16 PM PDT
To: main@pvforum.us
Subject: #PV

FYI —
CA State Auditor's Report on exaggerated housing needs/numbers and commitments.

Sent to PV Town Council (below)

Begin forwarded message:

From: Eugene Chaput
Chaput
<genechaput@sbcglobal.net>
Date: April 20, 2022 at 1:03:25 PM PDT
To: chughes@portolavalley.net, John Richards <jrichards@portolavalley.net>, jaalfs@portolavalley.net, mderwin@portolavalley.net, swernikoff@portolavalley.net
Subject: CA State Auditor's Report on exaggerated housing needs

Will the Portola Valley Town Council take an official position to support the

California State
Auditor's Report
confirming that the
CA HCD GROSSLY
MISCALCULATED
and OVER
ESTIMATED
California's housing
needs and enjoin with
the California
Alliance of Local
Electeds (CALE) to
challenge the various
government entities
who have made the
housing demands
based on erroneous
data?
gene chaput
(See below —
Findings)
Subject: Re: State
auditor report

The article below
claims the state
auditor concludes that
the California HCD
office grossly
miscalculated and
over-estimated our
housing needs. The
article below claims
the state auditor
concludes that the
California HCD office
grossly miscalculated
and over-estimated
our housing
needs. Why is this
important? Because
new laws recently
pass say that if a city
does not meet these
impossibly high new
RHNA housing
figures, a developer
can ask that projects
go through without
public hearings,
without

environmental review,
etc.

FOR IMMEDIATE
RELEASE
Contact: Susan
Candell,
thecandells@comcast.
net

California State
Auditor releases
scathing report on
RHNA process
Report finds housing
goals are not
supported by evidence

On March 17,
Michael S. Tilden, the
Acting California
State Auditor, issued
a blistering critique of
the Department of
Housing and
Community
Development (HCD)
and its Regional
Housing Needs
Assessments
(RHNA). The Auditor
found problems in the
HCD methodology
that may have inflated
RHNA requirements
by hundreds of
thousands of housing
units.

The Auditor
concludes that “The
Department of
Housing and
Community
Development must
improve its processes
to ensure that
communities can
adequately plan for
housing.” In his letter
to the Governor and

legislative leaders, the Auditor also states, “Overall, our audit determined that HCD does not ensure that its needs assessments are accurate and adequately supported. ...This insufficient oversight and lack of support for its considerations risks eroding public confidence that HCD is informing local governments of the appropriate amount of housing they will need.” The California Alliance of Local Electeds (CALE), a statewide organization of local elected officials, called for the comprehensive review and supports the State Auditor’s findings. Says Susan Candell, a CALE member and councilmember from the city of Lafayette, “CALE advocated for this audit, and it’s critical that HCD and the legislature follow-up on the Auditor’s recommendations. Our constituents deserve a fair and accurate process.”

State Senator Steve Glazer (D-Orinda), a member of the Joint Committee on Legislative Audit and a former mayor of the city of Orinda, states “It is these types of

mistakes that undermine community trust and confidence in housing requirements. We need more affordable housing, and we have to do better.”

Since 1969, California has required that all local governments create plans to meet the housing needs of their communities, a process called the regional housing needs assessment (RHNA). Each eight-year RHNA cycle starts with population and household projections from the demographic unit at the Department of Finance (DOF). These projections are then handed off to HCD for their estimates of the number of housing units required to meet California’s needs. The RHNA process was modified in 2018 by Senate Bill 828 (Wiener), which created several ad hoc adjustments that have led to the problems cited in the State Auditor’s report.

Auditor findings on vacancy rates are consistent with Embarcadero Institute analysis. Unfortunately, the audit reviewed the RHNA plans from

only eight counties, which together contain less than eight percent of California's population. Due to pending lawsuits the audit did not consider the RHNA plans of the two largest planning organizations, the Southern California Association of Governments (SCAG) and the Association of Bay Area Governments (ABAG). These two regions contain almost two-thirds (65.5 percent) of the state's population. This omission makes it difficult to grasp the scale of the problems created by HCD's errors. However, the Embarcadero Institute, a Northern California think tank, estimated that HCD's incorrect vacancy rates created an overcount of 200,000 housing units. Conceptual inconsistencies between DOF's household projections and HCD's housing unit projections created an additional overcount estimated at 700,000 housing units. Thus the RHNA requirement of 2.1 million new housing units may be contaminated by an overcount of 900,000

units. The Auditor's report does not attempt to reconcile these differences because HCD's procedures are not clearly documented. Instead it has insisted that both DOF and HCD clarify and publish their methods and assumptions.

Auditor recommendations The Auditor's report made strong recommendations and created a timeline for their completion. Several tasks must be undertaken between June 2022 and February 2023 including performing multiple reviews of data, establishing formal review procedures, reviewing the appropriateness of comparison regions, and conducting an analysis of healthy vacancy rates and their historical trends. The Department of Finance is tasked with reviewing its population projections based on 2020 census data and conducting a comprehensive review of assumptions about household formation rates. Says CALE's Julie Testa, councilmember from the City of Pleasanton, "Unless HCD and DOF complete this work

and correct their mistakes, there is no justification for punishing cities for failing to meet erroneous RHNA goals. The Legislature should suspend implementation of RNHA until the public is satisfied these problems have been resolved.”

About CALE The California Alliance of Local Electeds (CALE) brings together current and former local elected officials, community activists and other concerned residents. CALE believes that California’s 482 municipalities are too geographically and culturally distinct to be subjected to one-size-fits-all rules from the state capitol. CALE believes that communities thrive when local democracy thrives.

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CALIFORNIA ALLIANCE OF LOCAL ELECTEDS

April 6, 2022: FOR IMMEDIATE RELEASE

Contact: Susan Candell, thecandells@comcast.net

California State Auditor releases scathing report on RHNA process Report finds housing goals are not supported by evidence

On March 17, Michael S. Tilden, the Acting California State Auditor, [issued a blistering critique of the Department of Housing and Community Development \(HCD\)](#) and its Regional Housing Needs Assessments (RHNA).

The Auditor found problems in the HCD methodology that may have inflated RHNA requirements by hundreds of thousands of housing units. The Auditor concludes that “The Department of Housing and Community Development must improve its processes to ensure that communities can adequately plan for housing.”

In his letter to the Governor and legislative leaders, the Auditor also states, “Overall, our audit determined that HCD does not ensure that its needs assessments are accurate and adequately supported. ...This insufficient oversight and lack of support for its considerations risks eroding public confidence that HCD is informing local governments of the appropriate amount of housing they will need.”

The California Alliance of Local Electeds (CALE), a statewide organization of local elected officials, called for the comprehensive review and supports the State Auditor’s findings. Says Susan Candell, a CALE member and councilmember from the city of Lafayette, “CALE advocated for this audit, and it’s critical that HCD and the legislature follow-up on the Auditor’s recommendations. Our constituents deserve a fair and accurate process.”

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Says CALE's Julie Testa, councilmember from the City of Pleasanton, "Unless HCD and DOF complete this work and correct their mistakes, there is no justification for punishing cities for failing to meet erroneous RHNA goals. The Legislature should suspend implementation of RNHA until the public is satisfied these problems have been resolved."

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Dylan Parker

From: Karen Maple
Sent: Monday, April 25, 2022 3:55 PM
To: main@pvforum.us Group Moderators
Cc: housing
Subject: RHNA in Southern California #PV

Interesting fact from an article in the Mercury News

Southern California's Association of Government's Housing Element updates were due Oct. 15, 2021. Of the 197 cities in that district, just seven Housing Elements were approved by the state, Kautz said.

<https://www.mercurynews.com/2022/04/18/somethings-got-to-change-to-make-affordable-housing-achievable-in-los-gatos-officials-say/>

Dylan Parker

From: Maria Cristina
Sent: Tuesday, April 26, 2022 11:25 AM
To: housing; Portola Valley - Planning
Subject: Comments and suggestions regarding PV Housing

A few ideas for your consideration:

- * Try to ID small lots of Town owned property that could accommodate one house/cottage, or trailer.
- *The thought to rearrange and utilize Ford Field property for housing is good. However leaving the heritage oaks is important. It would show that Portola Valley "condos" have a certain esthetic and value. Also the large oaks would lessen the impact of a cluster of multi story buildings. Parking could be under the trees or along the skinny part of the property - maybe with a one way drive for access.
- * Does the Church across the street have a good relationship with their neighbors? Maybe the church could talk to them about doing a BLA and allowing at least part of their parcel to be used for housing.
- *Liked the suggestion of working with Corte Madera School regarding use of their playing fields, and utilize one of the Town soccer fields to instead be used for housing. Seems that the Town fields are not used for that many hours in the course of a year. Would be interested to see % of time they are actually used, and the expense required to maintain them.
- *Is it feasible to request that buildings along our green corridor of Alpine & Portola Rd continue to be screened by greenery even if they have been rezoned. View from the road matters to us.
- *Strongly hope that you don't revisit Frog Pond / Alpine remnant for housing at this time.
- * Does housing for au pairs count as low income housing?
- *Please consider CALE (California Alliance of Local Electeds) and their research as to legal opportunities to challenge the State RHNA mandates and SB 9

Thanks for your work & consideration,
Maria Southgate

Dylan Parker

From: Laura Russell
Sent: Tuesday, April 26, 2022 12:08 PM
To: housing
Subject: FW: : State Housing: RHNA Upzoning

Begin forwarded message:

From: "Greg Franklin"
Subject: FW: : State Housing: RHNA Upzoning
Date: April 26, 2022 at 10:44:06 AM PDT
To: <jonathangoulden@gmail.com>
Cc:

Jon: In your capacity as a PV PC do you know the answer to the following scenario / question ?

If not, can you get a correct answer quickly?

Assume the Town / Town Council rezones PV RHNA candidate sites 20 DU/acre.

An owner/developer of such rezoned 20 DU/acre site(s) submits a Development Application where 100% of the occupants of those 20 DU/acre sites are classified "Affordable" residents, with whatever Deed Restriction is required for those units to qualify for the State Density Bonus law.

ie DU occupants are either "Very Low Income" or "Low Income," in accordance with San Mateo County Median Annual Household Income Statistics.

That Density Bonus Application, under California Government Code Section 65915 (and Chapter 18.17 of the Portola Valley Municipal Code ?) automatically receives a 80% Density Bonus, thus the equivalent of 36 DU / acre.

As an example: Since the HEC is considering rezoning the 2.5 acre Alpine/Nathhorst Country Office site, to 20 DU/acre, hence 50 DUs, is the following scenario as possible consequence ?

- 1) the Owner submits an application for a 100% deed restricted site development
- 2) the site can be developed for 90 Dwelling Units, provided the annual household income of all 90 units complies with the SM County medians for Low and Very

Low Annual Household Income because the development qualifies for the 80% State Density Bonus, by law.

Thanks,

Greg Franklin

Dylan Parker

From: Ioni singer
Sent: Tuesday, April 26, 2022 4:30 PM
To: housing; Craig Hughes
Subject: Fw: [PVForum] #PV Two important Housing meeting coming up 5/2 @ 4:30, & 5/24 @ 4:30

Dear Town Council and Housing committee,
Regrettably we cannot make the meeting tomorrow evening, but we'd like to go on record that we strongly support and would advocate our government to take legal action against the high RHNA numbers along with the hundreds of other towns, including some of our neighboring towns, that have done so.

Respectfully,
Loni and Brent Austin
Echo Lane

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

From: Bob Adams
To: "pvforum@groups.io" <pvforum@groups.io>
Sent: Tuesday, April 26, 2022, 02:32:50 PM PDT
Subject: [PVForum] #PV Two important Housing meeting coming up 5/2 @ 4:30, & 5/24 @ 4:30

Housing RHNA and SB 9 are on the front burner.

The next Housing meeting on May 2nd at 4:30 will provide residents a good indication of where the town is going with respect to housing. Then on May 24th the town will unveil its proposed HCD proposal to go to the State. While this is a preliminary version, something close to this plan will be presented to the State (HCD) around year end. It is most important to mark you calendars for:

- Housing meeting Monday May 2 @ 4:30
- Housing preliminary plan presentation Tuesday May 24 @ 4:30

The Town Council meeting tomorrow evening (April 27 @ 7:00) is a place where you can advocate for the town to take a legal position against these very high RHNA numbers.

Most of us welcome low income housing in Portola Valley, but the reality will likely be a **big increase** in housing with a much smaller increase in low income housing. Does that make sense for our town?

Bob

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