



# TOWN OF PORTOLA VALLEY COLLEAGUES MEMO

**FROM: Commissioner Nicholas Targ  
Commissioner Lynda L. Brothers**

**DATE: February 8, 2023**

**RE: Draft Initial Study/Mitigated Negative Declaration--  
Proposed Project Design Features to Maintain and  
Enhance Environmental Quality, Safety and  
Community Quality of Life**

Dear Chair Kopf-Sill and Planning Commissioners:

We offer this letter and the proposed "Project Design Features" to further reduce impacts associated with the approximately fifteen to twenty percent increase in population and the equally large increase in dwellings anticipated by the Initial Study/Mitigated Negative Declaration ("IS/MND" or "CEQA document"). We also propose an evaluation of the financial costs associated with the thirty-two programs included in the Housing Element--with limited exception, these costs are to be paid for out of the General Fund--and evaluation of what additional revenues may be required to maintain existing levels service and safety.<sup>1</sup>

The following recommendations are made with respect and appreciation for the significant work of the extraordinary work and commitment of time by Town Planning Staff and its consultants.

The attached table of Project Design Features is proposed to maintain fidelity with the central thesis of the General Plan, "[t]o control the size, siting and design of buildings so that they, individually and collectively, tend to be subservient to the natural setting and serve to retain and enhance the rural qualities of the town." It is also meant to require a hard look at trade-offs implicit in complying with the Regional Housing Needs Allocation (Cycle 6), assess what actions should be taken to maintain and enhance safety and those aspects of the Town that make it special, and to begin planning for the next housing cycle.

A few of the Project Design Features may be appropriately included as additional draft Housing Element Programs. These could include, for example: fiscal assessment of the Housing Element Programs; maintenance of existing services; and review of alternative development sites both for this Housing Cycle and the one coming. Other measures, may be more appropriate as mitigation measures that promote the maintenance and enhancement of the quality of services and amenities within the Town; even though these measures were not required by the review under California

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<sup>1</sup> The evaluation of fiscal effects is consistent with the underpinnings of CEQA and General Plan, "Major Community Goals, No. 7, "To subject new developments with potential for adverse fiscal and other effects on the delivery of essential public services to an impact analysis to avoid unreasonable financial burdens on the town and other affected local governmental agencies and ensure the continued availability of essential public services."

Environmental Quality Act ("CEQA"). Although the mitigation measures would be made mandatory, as proposed, their implementation would not hinder or delay the implementation of the Housing Element. But, it would represent a commitment and seriousness of purpose.

The Project Design Features are proposed as a practical way to bring to a conclusion, and would in no way conflict with, the process required by the CEQA.<sup>2</sup> We believe their adoption would also facilitate the Planning Commission's passing a Resolution to recommend adoption of the Housing Element.

While no exception is taken to the analysis, findings or conclusions of the CEQA document, it is, again, recognized that an approximately fifteen to twenty percent increase in population and dwellings will impact the Town in a host of ways. We also recognize that without specific knowledge of the location of the anticipated dwellings (much less their design aspects), locational and area-wide impacts are challenging to quantify. Moreover, as we have extensively discussed, the proposed Safety Element and fire maps remain in draft, and a number of policies and objectives included within the General Plan remain in tension with those included in the draft Housing Element.<sup>3</sup> There is much left to do, and we believe the approach set forth herein provides an efficient pathway.

Therefore, the proposed Project Design Features are meant to address uncertainties. They are also meant to maintain, preserve and enhance environmental quality, safety and quality of life within our Town, even as we welcome new neighbors.

As a practical matter, the Project Design Features will be implemented over time, and prioritization of issues will be required based on factors such as cost and staff constraints. With limited exceptions, dates for establishing advisory bodies and the timeframes for completion of work are left to the Council in recognition of the importance of priority setting. Diligence will be required to oversee the Project Design Features implementation, regardless of whether they are characterized as mitigation measures or Housing Element Programs. As an organizational matter, if adopted, we propose that staff would appropriately incorporate the measures in the Mitigation Monitoring and Reporting Plan and revise the language for consistency.

We appreciate your consideration.

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<sup>2</sup> It is only noted, here, that recirculation of the IS/MND would not be required, and not all mitigations must be required by CEQA. Specifically, the Guidelines that implement CEQA expressly state that recirculation of a Mitigated Negative Declaration is not required if, "[m]easures or conditions of project approval are added after circulation of the negative declaration which are not required by CEQA, which do not create new significant environmental effects and are not necessary to mitigate an avoidable significant effect." 14 CCR § 15073.5(c)(3). Moreover, because the recommended measures are responsive to comments on the Housing Element's effects identified in the proposed negative declaration which are not new avoidable significant effects, recirculation is not required on this basis, as well. *See* 14 CCR § 15073.5(c)(2).

<sup>3</sup> For example, tension exists between development of Dorothy Ford Park and removal two 400 year old oak trees at the gateway to Portola Valley, and the General Plan/Alpine Scenic Corridor Plan. The Scenic Corridor Plan, para. 6201, states, "Ford Field and the 'Rossotti' soccer field, both of which have been acquired by the town, provide permanent open space within the corridor."

Respectfully,

/s/

/s/

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Nicholas Targ  
Planning Commissioner

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Lynda L. Brothers  
Planning Commissioner

Attachment (1):      Project Design Features

## ATTACHMENT

### Proposed Project Design Features

Subject	Project Design Feature	Basis
<b>Local CEQA Guidelines and Thresholds</b> <i>(Mitigation Measure)</i>	Within [TIME] months of the adoption of the Housing Element, Council shall direct the updating, within [TIME] months of such direction, of the Town CEQA Guidelines with a focus on public engagement and establish local thresholds of significance concerning: Aesthetics; Parks and Recreation; Public Services; and Wildfires.	<p>Each municipality is required to establish CEQA Guidelines per 14 CCR Section 15022. Public agencies, including, municipalities are further encouraged to establish local significance thresholds. 14 CCR Section 15064.7(b). These thresholds should not be inconsistent with CEQA Guidance Appendix G.</p> <p>The proposed measure would help clarify and standardize analysis and decision-making in the environmental review process. Development of Guidelines and significance thresholds would further help ensure that project-level environmental assessments address and evaluate impacts and develop mitigation measures with the benefit of public engagement.</p>
<b>General Plan, Zoning, Design Review</b> <i>(Mitigation Measure)</i>	Within [TIME] months from adoption of the Housing Element, Council shall establish a review group, with support of Staff, for the purpose of (1) further ensuring consistency and fidelity to Town General Plan and ethos of development in harmony with the natural environment; and (2) establishing for approval by the Town Council objective design criteria consistent with Town design guidelines.	<p>Review of the General Plan and zoning following adoption of the Housing Element should be conducted to help ensure fidelity to Town ethos and to ensure consistency within the General Plan and between the General Plan and zoning code.</p> <p>Objective standards can promote maintenance of community design and character, while adhering to state requirements that streamline development of affordable housing and associated projects. They clarify local requirements, increasing regulatory certainty; and they respond to local conditions. Objective criteria must also be considered in the implementation of a number of recent housing statutes, including, but not limited to:</p> <p><u>SB 167 (Housing Accountability Act)</u>. Prohibition on denial, reduction of density, or making infeasible housing projects consistent with objective design standards.</p> <p><u>SB 35 (Streamlined Affordable Housing)</u>. Require approval of qualified housing projects based on objective standards.</p> <p><u>SB 9 (California Home Act)</u>. Requiring approval of lot splits for applications meeting objective criteria.</p>
<b>Housing Inventory</b>	Within [TIME] months of the adoption of the Housing Element, Council shall establish a workgroup, with	The draft Housing Element (August 2022) provides for commencement of the Ford Park site planning process in January 2024 with "Request for Proposals" to affordable housing developers by September 2024.

<i>(Housing Element Program)</i>	support of Staff, to: (1) evaluate and propose "Sunrise" opportunity sites to Council within [TIME] months of adoption of the Housing Element; and (2) initiate planning efforts for future housing cycles.	<p>Members of the Planning Commission have observed that tension exist between the General Plan and associated planning documents, on the one hand, and the development of the Dorothy Ford Park, including removal of two 400 year old oak trees, on the other. Similar issues and community sentiment have been expressed with respect to the Glenn Oaks property. Therefore, the recommendation was made to evaluate alternative development options.</p> <p>Additionally, potential housing sites have been suggested proximate to Portola Road and other locations. Members of the Ad Hoc Housing Element Committee observed that development complexities, in light of time constraints, make these sites appropriate for consideration in the anticipated, next Housing cycle. However, they are likely not available for inclusion for development in the current housing cycle.</p> <p>Forming a housing inventory evaluation workgroup holds the potential of reducing policy and land use tensions if alternative sites can be timely identified. It is also anticipated that initiating workgroup evaluation, at the earliest possible time, would allow for thoughtful, least impactful planning for the present and future housing cycles.</p>
<b>Safety</b> <i>(Mitigation Measure)</i>	Upon the approval of the Housing Element, Council shall establish a workgroup or direct an existing committee, with assistance from staff and support from an outside fire safety consultant, to assess and make recommendations to Council, regarding the effectiveness of, and need for modification of, evacuation routes and plans, and building codes. Final recommendations shall be provided to Council within [TIME] of the adoption of applicable fire maps and General Plan Safety Element. Recommendations shall take into consideration projected	Applicable fire maps and the General Plan Safety Element have not yet been finalized or adopted. Coordinating evacuation routes, the Safety Element, and fire maps with housing element will further protect and maintain public safety and property in light of projected growth.

	population growth and shall incorporate current best practices.	
<b>Encourage Community and Civic Engagement</b> <i>(Housing Element Program)</i>	<p>Within <b>[TIME]</b> months of adoption of the Housing Element Council shall direct the Emergency Preparedness Committee and such other committee(s) as may be desired to encourage coordination of civic organizations (e.g., HOAs, religious organizations) to identify approaches and implement housing production, and risk reduction, and resiliency measures that may be taken independent of, or in coordination with Town activities.</p>	<p>Civic organizations have shown an ability to respond to the needs of the most vulnerable in Town and to plan for their local community's safety and welfare. They are also likely to play a significant role in the creation of future housing opportunities, either in the review of development plans or as a project sponsor.</p>
<b>Services and Infrastructure</b> <i>(Housing Element Program)</i>	<p>Work with service providers to identify, analyze, and plan for services and infrastructure needs based on anticipated increased population and housing to maintain the current quality of service.</p>	<p>The draft Housing Element identifies that "[the infrastructure and level of public services in the Town is geared to a small, dispersed population." (page 4). The IS/MND identifies, among other things, no significant impacts to: public services, parks and recreation, safety, and utility service systems.</p>
<b>Finance</b> <i>(Housing Element Program)</i>	<p>Evaluate current financial condition to address: (1) projected demand for services; (2) public safety planning and infrastructure; and (3) the Town's cost, if any, to implement the above items and associated recommendation.</p> <p>Establish policies for the use and allocation of the Inclusionary/in lieu housing fund also referred to as Affordable Housing Trust Fund.</p>	<p>The General Fund is identified as the primary financial source (the Affordable Housing Trust is also referenced) for each of the 32 programs included in the draft Housing Element. However, the amount of funding required has not been identified.</p> <p>Additionally, no mitigation measure is proposed for public services, parks and recreation, safety and utility services. However, funding will be required to maintain current levels of service and amenities. Quantification of required amounts should be developed, and public and private (e.g., fees) financing sources should be identified to address the Housing Element Programs and any funds necessary to maintain current levels of service/amenities.</p>