

**From:** [John Sheehan](#)  
**To:** [General Plan](#); [Al Royse](#); [Christine Krolik](#); [Sophie Cole](#); [Larry May](#); [Larry May](#)  
**Subject:** General plan  
**Date:** Monday, September 26, 2022 2:51:50 PM  
**Attachments:** [Ulyot Objections to Draft HE Plan.pdf](#)

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I am a Hillsborough resident and I agree with this letter.

John Sheehan



Sent from my iPad

## THEODORE W. ULLYOT

September 17, 2022

Dear Mayor Royse, Vice Mayor Krolik, and Councilmembers Chuang, Cole, and May:

I am providing these comments on, and objections to, the draft Housing Element Plan dated August 4, 2022 (“Draft Plan”) – as a Hillsborough resident since 2008. My family has been in Hillsborough since the late 1970s, when my father moved to the Town.

Although the California Department of Housing and Community Development (HCD), through the Association of Bay Area Governments (ABAG), has imposed on the Town a mandate of 554 additional housing units for the 2023-31 HE6 cycle, the Draft Plan is an unacceptable proposal for meeting that number. Among the most objectionable features of the Draft Plan are the introduction of a new three-zone scheme in place of Hillsborough’s current single-zone (RD) zoning framework; the introduction of multi-family housing to our Town; and the introduction of multi-story buildings to our residential community (including at our historic Town Hall, Centennial Park, and Veterans Memorial). If adopted, the Draft Plan would radically and irreparably change the character of our Town.

Hillsborough truly is a special place worthy of preservation. As Mayor Royse states in his Welcome Message on the Town website, we are a “unique residential community” with a “rich history,” and a “park-like setting and quiet atmosphere.” Mayor Royse’s message rightly states:

“Hillsborough strives to maintain the rustic character and rural charm that are the hallmarks of our town. We are dedicated to preserving our history, natural beauty, architectural heritage and small town atmosphere that contribute to the essential character of our community and make it a wonderful place in which to live and raise a family.”

In the 2014-22 HE5 cycle, the Council (which included current members Chuang, May, and Royse) was careful to protect Hillsborough’s unique character and heritage in meeting its RHNA/HE5 obligations. The Town’s HE5 Plan, by its own explicit terms, “represent[ed] a sincere and creative attempt to meet local and regional housing needs in a community that doesn’t meet the urban norms around which the State Housing Element law was created,” see Town of Hillsborough 2014 Housing Element (HE5 Plan) at p. 4 – and the Council’s heritage-protecting plan was duly approved by the State.

I have no doubt that Town Staff (and its consultant) worked diligently and earnestly to develop their Draft Plan. But the Staff's Draft Plan is only a draft, and it is up to the Council to make the final decision and craft the final plan to be submitted to the State. You Councilmembers – not the Staff, and certainly not the outside consultant – are the Hillsborough residents whom we elected and to whom we've entrusted the responsibility of representing, leading, and preserving our Town and its unique and historic character. With due respect, now is time for the Council to take ownership of the final decision and to show the leadership, responsiveness, and stewardship that we elected you to provide – in this case, not by deferring to Staff and consultants, but by directing the Staff to revise its Draft Plan in a manner that (1) addresses the widespread concerns and objections you've heard from the community<sup>1</sup>, and (2) produces a good-faith, sincere, and creative proposal for satisfying our HE6 obligation while preserving “the rustic character and rural charm that are the hallmarks of our town” and what makes Hillsborough the “wonderful place in which to live and raise a family” that we all cherish.

\* \* \* \* \*

As the Council considers how to craft a final plan that corrects the deficiencies and shortcomings of the Draft Plan, I submit the following key points for your consideration.

First, we should target the HCD-mandated 554 housing units, not a number higher than that (which is what the Draft Plan proposes). HCD's 554 number is already too high, representing a remarkable 12% increase over Hillsborough's existing 4000-unit housing stock – in an era when the population of California, and the population of San Mateo County, are decreasing.<sup>2</sup> The Draft Plan proposes that we should voluntarily exceed the 554-unit mandate, in the name of a creating a “buffer” that would take us to a goal of 665 new housing units for

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<sup>1</sup> Although the HE6/RHNA process has been going on for many months, it was only with the issuance of the Staff Draft Plan in early August of this year (barely six weeks ago – at a time when many residents were enjoying the last days of summer, sending kids off to college, and so on) that the true threat to our community became clear (the prospect of zoning changes; 12-15% increase to our housing stock; multi-story buildings; dramatic transformation of Town Hall without accommodation for the Veterans Memorial; etc.). And in those short six weeks, Hillsborough residents have rallied and responded, engaging with remarkable speed and unanimity – and always respectfully – to make our voices and concerns heard, in person and in writing. The community has responded in plenty of time for the Council as our elected representatives – and community stewards – to receive and incorporate our feedback and develop a revised, creative final plan that is true to Hillsborough's essential character.

<sup>2</sup> I understand that some other jurisdictions in California have challenged their assigned HE6 numbers. To the extent it remains possible for Hillsborough to challenge our target number of 554 (and seek to reduce that number to one that more accurately reflects the current population trends), the Council should pursue such a challenge.

Hillsborough. There is no need for the Town to do this, nor is there any legal requirement that we do this. A 12% increase is more than enough. Our target number should remain (at most) 554 housing units, not 665.

Hillsborough has an exemplary track record of meeting and even exceeding its HCD-assigned HE number. In the 2014-22 HE5 cycle, the Town's State-mandated target was 91 and we hit 192 housing units actually created. Hillsborough was a model community in HE5 – not simply being one of only 38 jurisdictions in California to meet its HE5 target and plan, but more than doubling our target number. A “buffer” might represent an appropriate “best practice” for some jurisdictions – namely, those communities that fell short of their recent Housing Element plans. But not for Hillsborough, given our track record of not just meeting but indeed dramatically exceeding our HE targets.

Second, once the housing-unit target for HE6 is defined as 554 rather than something more than that, there are many paths to meeting that goal without imposing the sort of dramatic changes to our community that the Draft Plan proposes.

For starters, the Final Plan should make much greater use of ADUs, which have become increasingly popular in the Town. The Draft Plan provides for too few ADUs (only 280, based on a trailing 3-year average of 35 per year). We should take a more realistic, and current, estimate of 65 ADUs per year – which is the rate for 2021-22 (after Hillsborough in 2020 appointed an ombudsman to encourage and facilitate the construction of ADUs). There is every reason to believe that the current 65-per-year rate would continue, if not increase, with the assistance of the ombudsman and other measures to promote ADU construction. Over eight years, a 65-per year rate would, all by itself, account for 520 of the 554 housing units.

For the remaining 34 units, there are a number of paths to get there. One example: We should continue to lobby the State (see Housing Element FAQ 12) to accept some or all of our 101-unit overage from HE5. The FAQs say that the Town “is currently working with our lobbyists to petition the state” to get credit for the 101 extra units we created in HE5. Let's at least pursue that route to completion (including appeal), before fundamentally changing Hillsborough and putting our property values at risk.

Between ADUs and petitioning for retroactive credit on our HE5 overage, that gets us to 621 units, thereby substantially exceeding our HE6 allocation. Even if the State were to give us credit for only one-third of our HE5 excess (34 units of the 101 excess), that would get us to the required 554.

Because the Town can meet its HE6 target through a combination of ADUs and partial-credit for our HE5 overage, we do not need to – and should not – change Hillsborough’s zoning to add the new HD-2 and HD-3 zones, nor add multi-family housing, nor erect a multi-story building on Town property at El Camino and Floribunda – all of which are strategies proposed in the Draft Plan. Each of those steps would bring about fundamental negative change to the beauty and character of our Town, and I join many other Hillsborough residents in objecting to those proposals. Under the above strategy I have outlined, neither new zoning, nor multi-family housing, nor a Town Hall multi-story complex, would be necessary to meet the Town’s 554 target number for HE6.<sup>3</sup>

\* \* \* \* \*

The ideas and methodology I have outlined above are one reasonable, low-impact pathway for the Council to devise a Final Plan that (1) addresses the widespread concerns and objections you’ve heard from the community, and (2) represents a good-faith, sincere, and creative proposal for satisfying our HE6 obligation of 554 housing units. There undoubtedly are other means of doing so – without the need for re-zoning, for multi-family housing, for multi-story apartment buildings, and the like. In addition to its natural beauty, unique history, and character, our Town is blessed with a thoughtful, engaged, civic-minded citizenry, many of whom have participated actively and respectfully in this process since the unveiling of the objectionable Draft Plan six weeks ago. Collectively, the residents of Hillsborough have stated well-founded concerns and objections to the Draft Plan and proposed a range of creative alternatives. It is now up to the Council to be responsive, listen and incorporate that feedback, and produce a Final Plan that is right for Hillsborough and protects our unique Town.

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<sup>3</sup> There are likely other means of meeting our HE6 target of 554 housing units that likewise would be respectful of, and preserve, Hillsborough’s essential character. For example, I understand that there is land near I-280 that is owned by the San Francisco PUC, which the Town might be able to annex, acquire and rezone for HE6 compliance purposes. This is the kind of option that should be fully explored before adopting radical changes to our Town.

Respectfully submitted,

Theodore W. Ulliot

**From:** [Patrick Shannon](#)  
**To:** [General Plan](#); [Marie Chuang](#); [Christine Krolik](#); [Sophie Cole](#); [Al Royse](#); [Larry May](#)  
**Cc:** [Lisa Natusch](#); [Ann Ritzma](#)  
**Subject:** Patrick Shannon comment for 9/26/22 housing element agenda item  
**Date:** Monday, September 26, 2022 11:59:46 AM

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Dear Councilmembers:

Please enter into the record my comments below pertaining to the Housing Element plan as drafted by Houseal Lavigne to date.

By all indications, Hillsborough is thankfully considering substantial revisions to the current draft housing element plan, and in particular is coming around to the view that the ADU unit production has been significantly under-estimated in the draft plan.

This is a favorable development indeed.

To get it right, the Town should slow down its plan development process to afford more time to hear HCD's feedback to other jurisdictions like Atherton (and other predominantly single family residence cities such as Portola Valley and Belvedere) on the feasibility of similar ADU-concentrated plans and to substantiate the full amount of ADUs that could be generated in Hillsborough. Atherton's plan as submitted relies on ADUs for 80% of its RHNA allotment whereas Hillsborough's draft plan in its current form undercounts ADUs at 50% of its allotment.

We can take more time to get the right number of ADUs. As a practical matter, our statutory deadline is May 31, 2023, not January 31, 2023!

Government Code Section 65588(e)(4)(C)(i) gives a 120-day grace period AFTER January 31 for cities to get HCD certification AND to adopt the housing element plan by ordinance.

Hillsborough has at least two-months of slack in its current proposed timeline. The Town has pegged HCD certification by January 31 and allotted an additional four months just for the Council to adopt a plan AFTER HCD approval. But adoption could easily be accomplished in two months – one month for staff preparation and one month (with two special meetings, if necessary) for the formal action to adopt the plan.

That means Hillsborough could bide its time until November 30<sup>th</sup> to submit its draft plan to HCD instead of October 4<sup>th</sup>. Following that timeline would allow for final HCD certification by March 31 and would provide ample time to meet the ultimate deadline of May 31<sup>st</sup> for adoption.

Submitting our draft plan two months later affords at least two compelling advantages.

First, we could prepare our plan with full insight into HCD's comments on the Atherton proposal in particular. The Almanac newspaper reported on September 7 that Atherton expects verbal comments from HCD by October 3 and a formal letter by November

2. <https://www.almanacnews.com/news/2022/09/07/atherton-town-shies-away-from-creating-plan-b-in-case-housing-element-is-rejected>

By Hillsborough's own standards, this estimated timeline for feedback is realistic. Hillsborough has estimated it will take 45-days for HCD to offer "preliminary" feedback on a draft plan. Atherton submitted its plan August 2nd so that feedback is due any day. Atherton also has posted on its website that it expects HCD feedback "soon."

Moreover, Hillsborough should be coordinating and sharing best practices with Atherton and other predominantly single family residence cities to develop best practices and to bolster our applications.

Second, Hillsborough should do more work to substantiate the feasibility of generating additional ADU units. According to HCD, Government Code Section 65583.1(a) allows a city or county to identify sites for ADUs based on the number of ADUs developed in the prior housing element planning period, whether or not the units are permitted by right, the need for these units in the community, the resources or incentives available for their development, and any other relevant factors, as determined by the department.

The first thing the Town should do is reject the ultra-conservative "safe harbor" methodology for calculating ADU production in Town over the next eight years and instead employ a more realistic methodology. The safe harbor method inappropriately calls for calculating future ADU production based on an average of the last three years' production. But that approach includes data from 2020 which was anomalously low due to the severe lockdown that year and the fact that our ADU ombudsman program was not fully operational, having been newly created that year. Basing our ADU production on the average of the last two years (65 units per year) instead would appropriately generate 520 units over the eight-year period.

The second thing the Town should do is develop policies to amplify ADU production in Town. This could lead to a projection of more than 520 units. The current draft plan contains only one reference to policies to stimulate ADU development, citing the Town's intent to enact "proposed modifications to ADU standards early in the RHNA Cycle 6 term," but providing no detail whatsoever for any proposals.

The Town should spend time to flesh out the details. Atherton has cited a policy to include "pre-approved ADU plans" and an ADU rental program. Santa Cruz offers residents technical and financial assistance including an ADU manual detailing the development process, relevant zoning, design standards, building codes and showcases of ADU prototype designs. Marin waives building and planning fees up to \$1,500 for junior ADUs with a condition that for one year the owner would be prohibited from renting the junior unit as a short-term rental (30 days or fewer).

HCD advises that local governments can encourage ADU development through advertising/marketing and by offering incentives such as reduced parking requirements near transit nodes, tandem parking requirements, pre-approved building plans or design prototypes, prioritized processing, fee waivers, fee deferrals, reduced impact fees, reduced water and sewer connection



fees, and streamlined architectural review.

HCD explains that “the housing element must describe and analyze factors that could affect ADU and JADU development within the planning period. At a minimum, the element should analyze development standards (i.e., heights, setbacks, minimum and maximum unit sizes, lot coverage, parking standards, etc.), zones allowing ADUs (by right), architectural review standards, fees and exactions, and any other potential constraints impacting the development of ADUs and JADUs. The housing element should also include an analysis of the anticipated affordability of these units. As an example, a community could survey existing ADUs and JADUs for their rents and include other factors such as square footage, number of bedrooms, amenities, age of the structure and general location, including proximity to public transportation. Another method could examine market rates for reasonably comparable rental properties to determine an average price per square foot in the community. This price can be applied to anticipated sizes of these units to estimate the anticipated affordability of ADUs and JADUs.”

Hillsborough needs to provide this level of analysis in its plan or risk having HCD reject our plan.

What Hillsborough does not need to do is include a “buffer” for its projection of units. There is no legal requirement to include a buffer. If the Town takes the time to build a compelling case for its individual plan, a buffer is superfluous. The buffer concept is not applicable to ADUs, anyway, as opportunity sites are not required. Also, a buffer can be counterproductive. Recall that Hillsborough exceeded its production allotment in the last cycle and received no credit for the overage in this new cycle, making it all the more difficult to hit this cycle’s goal.

Let’s build in two more months to get this plan right before we submit a draft plan to HCD.

Sincerely,

Patrick Shannon



**From:** [Aaron Zornes](#)  
**To:** [Lisa Natusch](#)  
**Subject:** Lisa-- 4 charts for my PUBLIC COMMENT tonight  
**Date:** Monday, September 26, 2022 11:46:08 AM  
**Attachments:** [Aaron Zornes, Hillsborough City Council Meeting, 20220926.pdf](#)

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Lisa—

Attached are 4 slides in PDF format that I would like to use as part of my PUBLIC COMMENT tonight.

Please enter these into the Public Record and **display these 4 slides during my comments on agenda item 2 (Housing Element)**.

Thank you.

Aaron Zornes



# **“HILLSBOROUGH IS UNITED”**

Comments by Aaron Zornes  
on draft Housing Element

September 26, 2022

# SURVEY OVERVIEW/METHODOLOGY

- Using publicly available databases, we created a **pool of 6,000+ validated email addresses** for each Hillsborough address
- **During Sept 1-18, 2022, we sent email invitations to this group in addition to posting SURVEY INVITATION to all 5,000+ members of Nextdoor Hillsborough & Hillsborough Together social networks**
- In addition to our own research questions, we also **included the questionnaire which the 17 member HEAC group used to survey itself as well as survey questions proposed by Hillsborough Citizens Alliance (HCA)**
- **520+ survey responses were received (12% of Hillsborough households)** of which 200+ provided contact info for the public record, & the 300+ other anonymous responses were confirmed via IP (Internet) address; we assume that given the nature of our town's "own" online survey for Housing Element feedback (*which are anonymous as well*) that **these "anonymous" survey responses are critical data points that merit full town council & town staff attention**

# **SURVEY SUMMARY: HILLSBOROUGH RESIDENTS ARE UNITED ON KEY ITEMS IN OUR DRAFT HOUSING ELEMENT\*\***

- By **more than 18:1**, our town residents oppose this Housing Element plan as drafted
- By **about 15:1**, town residents oppose re-zoning
- By **more than 10:1**, town residents reject reduced minimum lot size & street frontages
- By **almost 15:1**, town residents are concerned about excluding town-owned open spaces
- By **more than 10:1**, town residents want our proposal to be based on ADUs/JADUs
- By **margin of almost 24:1**, residents want the Town of Hillsborough to understand what other towns like us are doing & to engage with them to fight for our common interests
- **A significant majority** opposes considering taller building heights at Town Hall campus
- There is **overwhelming consensus** on these items, & the **Housing Element must reflect this feedback**

*\*\*TOWN could have surveyed residents, to have better data on how to represent their constituency ... So we residents took it on ourselves*

# ADDITIONAL “RESIDENT-DRIVEN” LEARNINGS

- **More than half of survey respondents were \*not\* aware of the Housing Element until past 3 months**, including **almost 3 out of 10 who just learned in 2 weeks** before survey
- **59% of survey respondents learned about Housing Element via social media, word of mouth, or email; \*only\* 25% learned from Town of Hillsborough (ToH) communications**
- Such low awareness **implies issues with how ToH engages our residents & homeowners**
  - We need to **rethink how ToH communicates overall**, especially on critical issues like this
  - ToH needs **bolster its online marketing methods/channels**
    - Better outbound communications via **social networking sites** including Hillsborough Together & Nextdoor Hillsborough
    - Strengthen **email & SMS** channels, including current/valid contact information for all residents
    - ToH newsletter may be good for community relations, but doesn't engage sufficiently
    - ToH must **grab attention with improved key messaging** for topics such as this plan, elections, etc.
- **Well-constructed surveys** like this one both educate & assess residents' positions– with high response rate