

Housing Element Errata Changes to Draft #3

Recommended by Planning Commission

Location in Draft #3	Draft #3 Language	Revised Language
Find and replace throughout	Dorothy Ford Field and Open Space	Dorothy Ford Park and Open Space
p.111 Table 6-6 Column 7, Row 1	Multi-Family 5-20 du/ac	Multi-Family 3-20 du/ac
p. 111 Table 6-6 Column 7, Row 2	General Plan Amendment	General Plan Amendment to Gateway classification
p.111 Table 6-6 Column 7, Row 7	Multi-Family 5-20 du/ac	Gateway Multi-Family 3-20 du/ac
top p. 123	<ul style="list-style-type: none"> Residential uses are permitted with a minimum of 3 units per acre and a maximum of 21 units per acre. The front setback shall be 20 feet; side and rear setbacks shall be 10 feet. 28 feet height limit and 34 feet maximum height limit (which are the same limits as residential districts). Height shall be measured from natural grade. 	<ul style="list-style-type: none"> Residential uses are permitted with a minimum of 3 units per acre and a maximum of 20 units per acre. The front setback shall be 75 feet; right side setback adjacent to Ladera Church shall be 0 feet; left side setbacks and rear setback shall be 15 feet. <u>The right side setback adjacent to Ladera Church may be reduced to 0 feet with permission of the owner(s) of the subject site and Ladera Church.¹</u> 28 feet height limit and 34 feet maximum height limit (which are the same limits as residential districts). Height shall be measured from natural grade. <p>State Density Bonus Law may be applied to this site if an affordable housing project is developed, which would likely impact the setbacks and height.</p>
p. 120 bullet 4	Setback from the creek/drainage ditch shall be at least 5 feet.	Setback from the creek/drainage shall be as specified in an individualized Engineering Study

¹ Language about 0 foot setback revised based on Council discussion on March 29, 2023.

		approved by the Town Engineer, but in no event less than 10 feet.
Find and replace throughout document	Opt-In Housing Program	Opt-In Housing Diversification Program
p. 108 last paragraph	<p>The Opt-In Housing Program will be initiated via a call for projects during a limited time period. For consideration, applicants only require submission of conceptual plans. To ensure successful program implementation, project applications will not require a conditional use permit and will be subject only to limited discretionary review. Projects will first be reviewed by the Planning Commission where applications will be screened for conformance with the abovementioned minimum safety criteria. Planning Commission review will be limited to one public meeting per project application to ensure a streamlined process. Planning Commission will forward projects to the Architectural and Site Control Commission (ASCC). At this point, the applicant will be required to prepare detailed plans.</p>	<p>The Opt-In Housing Diversification Program will be initiated via a call for projects during a limited time period. To ensure successful program implementation, project applications will not require a conditional use permit and will be subject only to limited discretionary review. For consideration, only conceptual plans will be required. Projects will first be reviewed by the Planning Commission where applications will be screened for conformance with the abovementioned minimum safety criteria. Projects will be encouraged to include a diversification of housing types and sizes; consideration of natural terrain, and a comprehensive site planning approach to achieve superior design and community benefits through the provision of diversified housing types. Planning Commission review will be limited to two^{s²} public meetings per project application to ensure a streamlined process. Planning Commission will forward projects to the Architectural and Site Control Commission (ASCC). Detailed plans will be required for ASCC review.</p>

² Additional Planning Commission meeting added in response to Council feedback

Revised language for 4394 Alpine Road Site Description (Draft #3 page 113)
Recommended by Town Attorney for clarity and specificity

The housing site located in the Nathhorst Triangle at 4394 Alpine Road is an approximately 1.18-acre vacant site consisting of a grassy field. This site is currently zoned A-P (Administrative-Professional).

Background on Adjacent Site: Willow Commons at 4388 Alpine Road. The site at 4388 Alpine Road is currently controlled by two local residents who are developing a 13-unit affordable supportive housing project commonly known as “Willow Commons” for adults with intellectual or development disabilities (IDD). The 4388 Alpine Road site has been approved for 11 lower income deed restricted units for adults with IDD and two units for employees working at the project site. This project underwent a “by right” local approval process under the supportive housing (AB 2162) and density bonus state laws.

Housing Potential at 4394 Alpine Road. The local residents and owners of the Willow Commons project at 4388 Alpine Road acquired the adjacent 4394 Alpine Road property in 2021. The owners have not yet developed a housing program for the site, but they may do so in this planning cycle. The owners plan to use the property to support their philanthropic mission of building permanent affordable housing for adults with IDD, a vulnerable population historically facing limited housing options. The owners have surveyed supportive housing models throughout the United States and hope to bring a collection of best practices to this new site. Some of the options being considered are a stand-alone supportive housing site similar to the project at 4388 Alpine, development of additional supportive housing programs to complement 4388 Alpine, development of other housing models (e.g., shared housing) that address vulnerable populations, or a combination of these or other alternatives. The applicants are also exploring some mixed use (such as retail or art gallery) that would provide both job training and revenue, and a mix of market rate housing units to provide integration of tenant populations and additional revenue to cross-subsidize the below market rent units. The Town desires to support and facilitate the owners’ philanthropic efforts and recognizes this is a rare opportunity to showcase that a vital, yet scarce, form of housing can be developed in the core of an affluent, suburban community.

Feasibility and Property Owner Concerns. A Town-retained consultant (Lisa Wise Consulting) prepared a preliminary concept plan for the site and estimated 21 units could be developed. The property owners have not yet reached the stage of producing conceptual plans for the site. As the development program for this site has not yet been determined, the property owners have concerns about losing flexibility to design the best community-benefiting project based on the Town’s assumptions for the site in the Housing Element. Some of the concerns include the following:

- *Flexibility Concerns.* Losing rights currently available under the current A-P zoning (including ministerial processing for supportive housing under AB 2162 and the ability to develop commercial uses). Accordingly, the owner has requested that supportive housing and commercial uses will continue to be allowed under the new designation(s).
- *Density Concerns.* Being committed to new density/development standards in the Housing Element before feasibility analyses or development plans have progressed. The owner has requested flexibility with respect to density obligations.
- *Implications to Willow Commons.* Implications to Willow Commons funding sources if 4394 Alpine Road development/design standards are untenable.

Housing Element Redesignation. The intent is to allow for additional housing density via a Multifamily designation in case the site is sold to a market rate developer, while providing flexibility to permit the development of a supportive housing project on this site through a Supportive Housing Overlay. The site shall be governed by a new multifamily designation, Supportive Housing Overlay, and development standards as outlined below.

Multifamily Designation. The 4394 Alpine site will be designated with a new Multifamily designation on the General Plan Map and in the Municipal Code that will allow 3-204 units per acre. The following development standards shall apply until zoning code amendments are approved, which is anticipated by July 2023:

- Residential uses are permitted with a minimum of 3 units per acre and maximum of 20 units per acre.
- The front setback shall be 75 feet; side setback is 15 feet and rear setback shall be 20 feet.
- 28 feet height limit and 34 feet maximum height limit (which are the same limits as residential districts). Height shall be measured from natural grade.
- Setback from the creek/drainage shall be as specified in an individualized Engineering Study approved by the Town Engineer, but in no event less than 10 feet.

In addition, a new Supportive Housing Overlay is hereby established and applied to this site with the following provisions:

- All principally permitted uses and all conditionally permitted uses in the A-P zone (Municipal Code Chapter 18-22) would be permitted by right in the Supportive Housing Overlay if the commercial use directly supports a new or existing supportive housing project.
- A density below the range specified in the Multifamily designation will be permitted provided the site accommodates at least 4 residential units at the lower income level.
- Any supportive housing project that would be permitted by right under AB 2162 (or other applicable law) in the A-P zone will be permitted under the Supportive Housing Overlay. For purposes of determining whether a proposed project on the Property is a "use by right" under the AB 2162 supportive housing requirements (Government Code §65650, et seq.), the designation will be deemed to be a designation where multifamily and mixed uses are permitted.
- Some market rate units and/or non-supportive units may be permitted to cross subsidize a supportive housing project provided that at least 25% of units are supportive housing units with at least 4 units at the lower income level and no more than 21 units (including market rate, supportive housing and manager's units) would be constructed on site. Supportive housing units include the following categories: persons with disabilities (including IDD) or Extremely Low-Income.
- For purposes of determining the number of residential units in a proposed project, and at applicant's request, a shared housing unit in a shared housing building wishall be counted as one residential unit. Alternatively, if requested by applicant, a unit will be counted traditionally by each dwelling unit as defined in the Municipal Code Section 18.04.150 (one or more rooms arranged for the use of one household with cooking, living, and sleeping facilities).
 - For purposes hereof, a "shared housing unit" shall mean one or more habitable rooms, not within another dwelling unit, that includes a bathroom, sink, refrigerator, and microwave, is used for permanent residence, that meets the "minimum room

area” specified in Section R304 of the California Residential Code (Part 2.5 of Title 24 of the California Code of Regulations), and complies with the definition of “guestroom” in Section R202 of the California Residential Code.

- For purposes hereof, a “shared housing building” shall mean a residential or mixed use structure, with two or more shared housing units and one or more common kitchens and dining areas designed for permanent residence of more than 30 days by its tenants. The kitchens and dining areas within the shared housing building shall be able to adequately accommodate all residents. A “shared housing building” may include other dwelling units that are not shared housing units, provided that those dwelling units do not occupy more than 25 percent of the floor area of the shared housing building. A shared housing building may include 100 percent shared housing units.
- A supportive housing project that meets the Supportive Housing Overlay criteria defined herein would be subject to a ministerial, by right approval process. In such case, a proposed project will be reviewed for compliance with objective standards by the Town Architecture and Site Control Commission (but not subject to discretionary review by the Town Council or Planning Commission).

The following development standards shall apply to the Supportive Housing Overlay:

- Height limit of 28 feet and 34 feet maximum height limit (which are the same limits as residential districts). Height shall be measured from natural grade. Maximum height shall be 28 feet and two stories.
- Front setback shall be 75 feet.
- Rear setback shall be 20 feet.
- Side setback shall be 20 feet; provided that the side setback adjacent to 4388 Alpine Road may be reduced to zero feet, with the approval of the 4394 Alpine Road owner and 4388 Alpine Road owner.
- Setback from the creek/drainage shall be as specified in an individualized Engineering Study approved by the Town Engineer, but in no event less than 10 feet.
- Parking requirements will be subject to applicable density bonus law and supportive housing law standards if the project qualifies under either or both laws.
- Maximum percentage of non-residential uses for a supportive housing project shall be 33%.
- In the event any implementing zoning regulations provide different use, setbacks, height or lot coverage or more restrictive regulations than specified here or in the current A-P zoning, the more permissive regulations will prevail.
- The owner’s replacement of soil moved by the prior owner of the property to its original location on the property shall not be counted as soil movement subject to a Town Site Development Permit and shall not require Town approval.

Three Revisions to Address Gateway and Sunrise Concept

1. Create new Program 2-3 that builds on the Hasko/Taylor Colleagues Memo

Program 2-3 Establish a more proactive and continual evaluation of housing needs beyond what is required for Housing Element certification.

- Create an accessible web-based repository of information from the Housing Element Update process including: analyses of sites that were not included in the current Element and reasons why they were omitted; potential sites for future development; and the process and discussion of the Ad Hoc Housing Element Committee.
- Begin tracking existing or newly identified sites, noting any legal, safety, or other impediments to including such sites in future Housing Element updates.
- Establish a working group or ad hoc committee to focus on conducting community discussion of longer term Town housing needs outside of the Housing Element update cycle.
- Utilize existing ADU working group to promote new ADU/JADU opportunities, especially ones for very low income tenants/workers
- To the extent additional housing opportunity sites are identified through this program, the development of such sites should be prioritized above the use of the Dorothy Ford Park and Open Space.

Quantified Objective/Metric and Timeframe: Create repository and begin tracking sites by ~~September~~ October 2023. Establish a working group by ~~May~~April 2026.

Responsible Agency: Town Council and Planning & Building Department

Financing Source: General Fund

2. Update existing Program 3-1 to extend timelines by one year

Program 3-1: Initiate a site planning process for the sites in the new “Gateway” land use classification to make the most efficient use of the property and preserve open space. Pursue an affordable housing project on the Dorothy Ford Field and Open Space site in partnership with an affordable housing developer.

- Comply with provisions of the Surplus Land Act (Assembly Bill 1486-Ting, 2019).
- Consider improvements to the baseball field as part of the site planning process.
- Consider collaboration with Ladera Church to integrate their site into the Town’s affordable housing project.

Quantified Objective/Metric: Begin site planning process in ~~May 2025.~~³ January 2024. Issue Request for Proposals to affordable housing developers by ~~January 2025.~~ September 2024. Develop 50 very low-income units.

Time Frame: Issue RFP by ~~January 2025.~~ September 2024.

Responsible Agency: Planning & Building Department

Financing Source: General Fund and Affordable Housing Trust Fund

³ Dates on this page related to Dorothy Ford Park and Open Space have been updated to accommodate a “sunrise” of two full years.

3. Add new language in Section 6 – after the description of the site (Draft #3 page 117)

The Dorothy Ford Park and Open Space site is a highly valued open space in the community. Development of this site would result in the permanent change to open space, which is contradictory to other Town policies. The Town seeks to balance its affordable housing goals and obligations with the long-standing open space ethos of the community. As such, the Dorothy Ford Park and Open Space is included in the site inventory and detailed in Program 3-1. The Town will proceed with development of the site as outlined in Program 3-1 unless another confirmed, feasible site or program can achieve the same number of affordable units within the planning period.

Requested by Town Council on March 29, 2023

Location in Draft #3	Draft #3 Language	Revised Language
p. 108 paragraph 4 (description of Opt In Housing Diversification Program)	This program will be capped at a total of 12 residential units to be accommodated through the Town during the 6 th Cycle planning period.	This program will have an initial cap of 12 total residential units during the 2023-2031 planning period. For each SB9 unit the Town issues a building permit for, the cap shall be reduced by one.

Recommended by Staff Due to Adoption Later than Expected

Authorize the Planning and Building Director to make adjustments to the timelines for implementation of the programs, including extending the timelines and making adjustments to encourage successful implementation.

State Law Changes required per AB2339 for Housing Elements submitted to HCD after March 31, 2023

Revision to Section 5 Resources. Draft #3 page 93

Emergency Shelters

State law (SB 2) requires that cities identify one or more zoning districts that allow emergency shelters. The Town amended its Municipal Code during the 5th Housing Element Cycle to comply with SB 2. The Town of Portola Valley Municipal Code allows emergency shelters for up to ten individuals in the Residential Estate (R-E) District when located on a parcel with a conditional use for a religious institution, subject to a zoning permit. Architectural and site plan review are required for the design of the emergency shelter unless the shelter is located within an existing structure, but no discretionary approval is required. Emergency shelters must be available to residents for no more than 60 days but extensions up to a total stay of 180 days may be permissible if no alternative housing is available. On-site management must be provided during the hours of shelter operation. Emergency shelters may include common space for the exclusive use of the guests, and office and meeting space for the exclusive use of emergency shelter staff. Each shelter must have a designated outdoor smoking area that is not visible from the street or from adjacent properties. The outdoor smoking area may be screened by vegetation. On-site parking may be provided as shared parking with the church use. If separate on-site parking is needed, the maximum amount required is 0.35 parking spaces per one bed plus one space per staff member on duty when guests are present.

In September 2022, Assembly Bill (AB) 2339 was signed by the Governor. It requires that every jurisdiction must identify a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit (Government Code Section 65583(a)(4)). The identified zone or zones must include sufficient capacity to accommodate the need for emergency shelter (based on 200 square per person) as identified in the housing element, and each jurisdiction must identify a zone or zones to accommodate at least one year-round shelter. Adequate sites can include sites with existing buildings that can be converted to emergency shelters to accommodate the need for emergency shelters.-AB 2339 further specifies that emergency shelters for purposes of these provisions include other interim intervention, including, but not limited to, navigation centers, bridge housing, and respite or recuperative care.

As discussed in the Housing Needs chapter, San Mateo County conducted the unsheltered homeless survey through March 3, 2022. In both 2019 and 2022, Portola Valley had 0 homeless individuals according to the most recent PIT San Mateo County data (<https://www.smcgov.org/hsa/2022-one-day-homeless-count>) (see Table 22). Nonetheless, Portola Valley will continue to provide zoning to allow emergency shelters in Town as required by AB 2339. The standard for homeless shelters allow shelters to serve up to 10 people. The Housing Element must demonstrate that at least one shelter can be accommodated in Town. Facilities must be of sufficient size to provide 200 square feet per person. A 10 bed facility would require a minimum of 2,000 square feet. Program 8-3 states that the zoning updates that will be approved immediately following this

Housing Element will include changes to allow emergency shelters by right within the Multi-Family zones, the Mixed-Use zone, and at religious institutions. The program also includes updating the definitions of emergency shelters to be consistent with state law and establish objective standards for emergency shelters. The new Multi-Family zones will apply to three parcels in Town, described in *Section 6, Adequate Sites*, as 4394 Alpine Road, Glen Oaks, and Ladera Church. These sites are all suitable for development. The proposed multi-family sites at 4394 Alpine Road and Ladera Church are within walking distance to grocery stores and other services. The site at 4394 Alpine Road is currently vacant. The Glen Oaks and Ladera Church sites are currently classified as nonvacant, but significantly under-utilized. The 0.5-acre development site proposed at Ladera Church is currently vacant, with only a small portion used as a children's play area for the church. The development site is within Portola Valley town limits, although the church itself is outside of town limits. The Glen Oaks site is currently occupied by the Isola Stables at the Glen Oaks Equestrian Center. The site consists of grassy open fields surrounding the stables. Across the street from this site is the Stanford Wedge property, a 39-unit project (see pending project).

The mixed-use site at 4370 Alpine Road is approximately 2.45 acres total with 1.5 acres estimated to be developable. The rear portion of the site is currently underutilized with existing uses being abandoned tennis courts, unused parking, and office uses. A ephemeral creek/drainage ditch runs along the rear of the existing office buildings bisecting the lot into two distinct portions – referred to as front and rear. The front portion of the site is currently developed with three separate underutilized office buildings. The rear, northwest portion of the site includes former tennis courts and parking area that are not being used.

Emergency shelters would also be allowed by right at the Town's religious institutions – Christ Church, Valley Presbyterian Church, and Our Lady of the Wayside Church. All of these sites have sufficient space for a 2,000 square foot shelter with some site plan modifications or use of existing buildings.

Objective standards will be developed as allowed by Government Code Section 65583 (a)(4)(A):

- Shelters may serve up to 10 individuals.
- The shelter shall be available to individuals for no more than ~~sixty~~60 days. Extensions up to a total stay of 180 ~~one hundred eighty days~~ may be permissible if no alternative housing is available.
- On-site management shall be provided during the hours of shelter operation.
- Emergency shelters may include common space for the exclusive use of the guests, and office and meeting space for the exclusive use of emergency shelter staff.
- On-site parking shall be provided to accommodate all staff working in the emergency shelter at any given time.
- Lighting as described in the Portola Valley Municipal Code.

Low Barrier Navigation Centers

A Low Barrier Navigation Center (LBNC) is a temporary service-enriched shelter that helps homeless individuals and families to quickly obtain permanent housing. AB 101 (2019) established requirements for local jurisdictions to allow low barrier navigation centers as a by-right use in certain mixed use and nonresidential districts. The Town currently does not have multi-family or mixed-use zoning districts, but when adopted in connection with this Housing Element update, Program 8-3 is included to amend the Portola Valley Zoning Ordinance to allow LBNCs and Program 8-4 is included to allow in the multi-family zone to comply with AB 2339 (see *Section 7, Goals, Policies, and Programs*).

Transitional Housing

SB 2 requires that transitional housing and supportive housing be treated as any other residential use, subject only to those restrictions on residential uses contained in the same type of structure in the same zone. The law also requires that the identified zones contain sufficient capacity to provide shelter for homeless persons that have unmet housing needs. Transitional housing, which is housing intended for a limited length of stay that is often linked with supportive services, may be provided in the M-R (Mountainous Residential) District, the R-E (Residential Estate) District, and the R-1 (Single-Family Residential) District. No additional approval is required as long as a transitional housing project meets the requirements applicable to the type of residential development in which it is accommodated. The Town is in the process of updating its Municipal Code to update the definition of transitional housing to comply with the State definition and to remove the six-resident cap currently specified in the Code. The Town currently does not have a multi-family zoning district, but when adopted in connection with this Housing Element update, transitional housing will be treated similarly to other residential uses (see *Section 7, Goals, Policies, and Programs*). In accordance with AB 2339, transition housing will also be allowed in the multi-family zone.

Revisions to Program 8-3

~~Program 8-3: Update the Municipal Code to comply with State law to allow a Low Barrier Navigation Center by-right in zones where mixed uses are permitted, pursuant to Government Code Section 65660 (SB 48 (2019)).~~

~~Quantified Objective/Metric: Adopt code amendment.~~

~~Time Frame: Complete rezoning by July 2023 years and 120 days from January 1, 2023.~~

~~Responsible Agency: Planning & Building Department and Town Council~~

~~Financing Source: General Fund_____~~

To comply with State Law AB 2339, the definition for emergency shelters in the municipal code will be amended to include other interim intervention, including, but not limited to, navigation centers, bridge housing, and respite or recuperative care. The new multi-family district and mixed- use districts will allow

emergency shelters by right. The zoning code will be amended to allow emergency shelters by right in religious institutions and include the following objective standards:

- Shelters may serve up to 10 individuals.
- The shelter shall be available to individuals for no more than 60 days. Extensions up to a total stay of 180 days may be permissible if no alternative housing is available.
- On-site management shall be provided during the hours of shelter operation.
- Emergency shelters may include common space for the exclusive use of the guests, and office and meeting space for the exclusive use of emergency shelter staff.
- On-site parking shall be provided to accommodate all staff working in the emergency shelter at any given time.
- Lighting as described in the Portola Valley Municipal Code.

Quantified Objective/Metric: Adopt Code Amendment

Time Frame: Complete by October 2023.

Responsible Agency: Planning & Building Department and Town Council

Financing Source: General Fund