



TOWN OF PORTOLA VALLEY STAFF REPORT

TO: Mayor and Town Council

FROM: Laura C. Russell, Planning & Building Director
Adrienne Smith, Senior Planner

DATE: March 29, 2023

RE: Adoption of Resolutions Adopting 1) the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for Housing and Safety Elements Update and Conforming General Plan and Zoning Amendments; and 2) Proposed Housing Element and Conforming General Plan Amendments and Final Direction on Post Adoption Housing Element Plan

RECOMMENDATION

Staff recommends that Town Council receive a presentation from staff, ask questions, receive public comment, and adopt two separate resolutions:

- 1) Adopting the Initial Study/Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring and Reporting Program (MMRP) for the proposed Portola Valley Housing and Safety Elements Update and Conforming General Plan and Zoning Amendments
- 2) Adopting the proposed Portola Valley Housing Element and Conforming General Plan Amendments

MEETING PURPOSE

The purpose of this meeting is for Town Council to carry out the following reviews and actions:

- Conduct a final review of the IS/MND and:
 - Finalize the proposed language for the addendum to the MMRP stipulating the inclusion of Topic 3: CEQA Guidelines/Local Guidance and Topic 4: Supplemental Safety Measures for Housing Element from Council Members' Hasko and Taylor's Preliminary Post-Adoption Implementation Plan
 - Adopt a resolution adopting the IS/MND and MMRP (see Attachment 1)

- Conduct a final review of the Housing Element and Conforming General Plan Amendments and adopt resolution adopting the amendments (see Attachment 5)
- Finalize the process and/or mechanism for implementing the proposed Key Fire Approaches as presented by Fire Marshall Don Bullard

BACKGROUND

For a refresher on the Town's Regional Housing Needs Allocation (RHNA), required Housing Element Components and changes incorporated into the Housing Element, view the March 15, 2023 Town Council meeting [staff report](#). For a reminder of the IS/MND process, components and a breakdown of the Response to Comments Memo, revisit the March 22, 2023 Town Council [staff report](#).

At its March 22, 2023 meeting, Town Council held a comprehensive discussion of Council Members Hasko and Taylor's proposed Preliminary Post-Adoption Implementation Plan (see Attachment 11), which incorporates the Project Design Features proposed in the Targ/Brothers Colleagues Memo from the February 15, 2023 [Planning Commission meeting](#). The discussion resulted in unanimous approval of a motion committing to all eight proposed topics to be further developed in a comprehensive Post-Housing Element Adoption Plan completed within thirty days of Housing Element adoption. The Town Council agreed that two of the topics be included as an addendum to the MMRP (see Discussion section below). The Town Council also discussed the staff analysis of the Key Approaches to Fire safety that were originally presented to the Planning Commission by Fire Marshall Bullard at its February 15, 2023 meeting. The Town Council will further discuss how these approaches may be formalized (see Discussion section below).

Self-Certification of Housing Element

To avoid application of the Builder's Remedy, many cities have been "self-certifying" their housing elements. Under this process, the Council adopts a resolution certifying that its Housing Element complies with all aspects of Housing Element law. To provide maximum protection for the Town, the staff have prepared the self-certification findings (Attachment 5 Exhibit C). However, use of this "self-certification" process before submitting the final Housing Element to the Department of Housing and Community Development (HCD) has not been legally tested and is only being included as a potential legal argument to use in the event the Town receives a Builder's Remedy application before HCD certifies the Housing Element.

DISCUSSION

New Amendments to Housing Element

To capture the proposed changes since publication of Housing Element Draft #3, staff have prepared an errata to Draft #3 (see Attachment 8). The errata notes both the existing Draft #3 language and the revised language. The errata captures the changes; a new draft of the Housing Element has not been produced. Below is a summary of changes:

- Dorothy Ford Park and Open Space:

- Replace all references to Dorothy Ford Field and Open Space with Dorothy Ford Park and Open Space
- Change proposed rezoning classification of Vacant Portion of Dorothy Ford Park and Open Space housing site to “General Plan Amendment to Gateway Classification”
- Change proposed zoning classification and density from Multi-Family 5-20 du/ac to Gateway Multi-Family 3-20 du/ac
- Revision to density of 4394 Alpine Road site from 5-20 du/ac to 3-20 du/ac
- Revision of development standards for the Ladera Church housing site
- Strengthen setback language for ephemeral creek/drainage for 4370 Alpine Road housing site
- Opt-In Housing Diversification program
 - Change all references from Opt-In housing Program to Opt-In Housing Diversification Program
 - Additional language added to clarify desired project types
- Additional development standards added to 4394 Alpine Road housing site
- Three additions to clarify the Gateway land use classification and the “sunset” concept for the Dorothy Ford Park and Open Space housing site. Includes a new Housing Element program to implement Topic #1 (Housing Site Inventory Follow Up) from the Hasko and Taylor Preliminary Post-Adoption Plan

In addition, Planning Commissioners Goulden and Krashinsky have submitted a list of typos/clerical errors and staff has identified others. Once Town Council has adopted the Housing Element, staff will incorporate all errata content into the Housing Element Draft #3 as well as address all reported typos/clerical errors and produce a clean final version to be sent to HCD.

Preliminary Post-Adoption Implementation Plan

The Town Council unanimously approved a motion to adopt the topics of the Preliminary Post Housing Element Adoption Plan with the caveat that topics #3 and #4 will be incorporated into the MMRP as additional policy measures via an addendum, with the remaining topics to be developed by Council Members Hasko and Taylor within 30 days of Housing Element adoption by Town Council. To view the revised MMRP including the addition of topics #3 and #4, see Attachment 4.

Key Approaches to Fire Safety

On March 22nd, Town Council discussed the 13 items in Attachment 12, including the status, lead agency, and how they may be captured to provide visibility and accountability to the public. The Approaches fell into the following categories:

- Appropriate to put into Hasko/Taylor Post Adoption Plan: #1, #2, #3 and #5
- Completed or Underway: #4 and #7
- Largely addressed in Housing Element Programs: #6, #11, #12 and #13
- WFPD Purview: #8, #9, and #10

Staff recommends that the Council make a motion to add items #1, #2, #3 and #5 to the Post Adoption Housing Element Plan and direct staff to work with the Fire Marshal to develop a shared work plan to address the other Approaches. The Council may also want to direct staff to invite the Fire Marshal to a Council meeting to discuss these issues in more detail.

Housing Element Program Implementation Cost Estimate

At its March 15, 2023 meeting, Town Council requested staff prepare a high level cost estimate associated with full implementation of Housing Element programs. See Attachment 13 to view a table of all Housing Element programs, budgeting approach, whether the expense is direct (staff), or a consultant cost and the estimated level of staff time required. Please note that this is preliminary and high level.

Implementation of the Housing Element is a significant undertaking. Combined with routine operations and previously planned initiatives, staff will not have capacity for additional tasks/projects. Implementation of the Post Housing Element Plan will require additional staff and/or consultant resources. Staff will include additional resource request as part of the annual budget process.

NEXT STEPS

Staff will incorporate the collective changes in the Errata as directed by Town Council into the Housing Element and submit an updated version to the HCD by March 31, 2023.

Within 30 days of Housing Element adoption (tentatively scheduled for April 26, 2023), Council Members Hasko and Taylor will present a completed Post-Adoption Plan to Town Council for review and adoption. Once the Plan has been finalized, staff will begin working on a master schedule of all Housing Element implementation measures including all programs included in the Element.

ATTACHMENTS

1. Draft Resolution Adopting the Initial Study / Mitigated Negative Declaration; and Mitigation, Monitoring, and Reporting Plan
2. [Initial Study / Mitigated Negative Declaration \(IS/MND\)](#)
3. [Response to Comments Memo on IS/MND](#)
4. Amended Mitigation Monitoring Reporting Program (MMRP) With Addendum
5. Draft Resolution Adopting the Housing Element and Conforming General Plan Amendments
 - Exhibit A - HCD Letter
 - Exhibit B - Table Responding to HCD Comments
 - Exhibit C - Housing Element Self-Certification
6. [Housing Element Draft #3 \(without Appendices\)](#)
7. [Conforming General Plan Amendments](#)
8. Housing Element Draft #3 Errata
9. Planning Commission Resolution 2023-1 Recommending Adoption of IS/MND