



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

10. Planning Commission Resolution 2012-2 Recommending Adoption of Housing Element and Conforming General Plan Amendments
11. Council Members Hasko and Taylor's Preliminary Post-Adoption Plan
12. Key Approaches to Fire Safety – Table with Information from Fire Marshal and Staff
13. Housing Element Program Implementation Cost Estimate
14. Table of Meetings and Documents Related to the Housing Element Update

RESOLUTION NO. XX- 2023

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PORTOLA VALLEY ADOPTING THE INITIAL STUDY-- MITIGATED NEGATIVE DECLARATION AND THE MITIGATION, MONITORING AND REPORTING PLAN FOR THE HOUSING AND SAFETY ELEMENTS UPDATE AND CONFORMING GENERAL PLAN AND ZONING CODE AMENDMENTS

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), an Initial Study-Mitigated Negative Declaration (IS-MND), which is included as Attachment 1 to the March 22, 2023 Town Council Staff Report and incorporated by this reference, was prepared for the Portola Valley Housing and Safety Elements Update and Conforming General Plan and Zoning Code Amendments, collectively the "Project"; and

WHEREAS, pursuant to CEQA, a Notice of Intent ("NOI") to Adopt the IS-MND was prepared and provided to interested agencies, and to all members of the public who had previously requested notification; and posted at Portola Valley Town Hall notifying all interested parties of the availability and 30-day public review period commencing on October 31, 2022 and ending on November 29, 2022; and

WHEREAS, copies of the IS-MND were made available online, to members of the public who had previously requested notification, and by appointment at Portola Valley Town Hall in the Planning and Building Department; and

WHEREAS, opportunities for verbal comments on the IS-MND were provided during a November 16, 2022 Planning Commission hearing; and

WHEREAS, the IS-MND identified potentially significant impacts to the environment, including specific impacts to Air Quality, Cultural Resources, Geology/Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Noise, and Tribal Cultural Resources, which can and will be avoided or mitigated to less than significant levels through adoption and implementation of the included mitigation measures; and

WHEREAS, on February 15, 2023, the Planning Commission conducted a public hearing to review the Response to Comments memorandum addressing the verbal comments made by Members of the Portola Valley Planning Commission and public on November 16, 2022, the adequacy of the IS/MND and the recommended text changes to the IS-MND. The updated version of the Response to Comments memorandum is included as Attachment 1 in the March 22, 2023 Town Council Staff Report and incorporated by reference; and

WHEREAS, on February 15, 2023, the Planning Commission also heard a presentation from Fire Marshal Bullard and had extensive discussion on a Colleagues Memorandum from Commissioners Targ and Brothers regarding the Draft Initial Study/Mitigated Negative Declaration-- Proposed Project Design Features to Maintain and Enhance Environmental Quality, Safety and Community Quality of Life which was

included as Attachment 6 to the February 15, 2023 Staff Report (“Targ/Brothers Colleagues Memo”); and

WHEREAS, the Planning Commission at a regular meeting on February 15, 2023 recommended approval of the IS-MND and updated Response to Comments and Text Changes and the Mitigation Monitoring and Reporting Plan (MMRP); and

WHEREAS, the Planning Commission’s February 15, 2023 resolution also recommended that the Town Council adopt the project design features listed as Exhibit A in the Targ/Brothers Colleagues Memo, excluding the financial terms, through the mechanism of Council’s choosing; and

WHEREAS, the Planning Commission’s February 15, 2023 resolution also recommended that the Town Council recommended that the Town Council further consider adopting the key approaches for Fire Safety presented by Fire Marshal Bullard in his February 15, 2023 presentation to the Planning Commission and included in the Planning Commission’s February 15, 2023 resolution as Exhibit B; and

WHEREAS, on March 15, 2023, the Town Council conducted a Study Session to review the IS-MND, the MMRP, the Response to Comments and Text Changes, the Housing Element, the Conforming General Plan Amendments and the recommendations in the Targ/Brothers Colleague’s Memo as attached to the March 15, 2022 Town Council Staff Report and incorporated here by reference; and

WHEREAS, on March 22, 2023, the Town Council conducted a public hearing to review the IS-MND, the MMRP, the Response to Comments and Text Changes the Housing Element, the Conforming General Plan Amendments and the recommendations in the Targ/Brothers Colleague’s Memo;

NOW, THEREFORE, BE IT RESOLVED that the Town Council hereby adopts the IS-MND, the Updated Response to Comments and Text Changes, and the MMRP (as updated at the March 22, 2023 public hearing), prepared for the Portola Valley Housing and Safety Elements Update and Conforming General Plan and Zoning Code Amendments Project, attached as **Attachments 2, 3 and 4, respectively**, to the **March 22, 2023 Staff Report**. This action is based on the following findings:

1. The IS-MND, Updated Response to Comments and Text Changes and the MMRP have been completed in accordance with the requirements of the CEQA statutes, and the CEQA Guidelines.
2. The IS-MND was prepared, published, circulated, and reviewed in accordance with the requirements of CEQA and the Town’s CEQA Guidelines, and constitutes an adequate, accurate, objective, and complete analysis addressing all issues relevant to the approval of the proposed Project.

3. The Planning Commission has reviewed and considered the information contained within the IS-MND together with any comments received during the public review process and it reflects the independent judgment and analysis of the Town.
4. The IS-MND identifies all potentially significant adverse environmental impacts and feasible mitigation measures or standard conditions of approval that would reduce these impacts to a less-than-significant level. All of the mitigation measures identified in the IS-MND will be implemented, if applicable, once the Project is adopted. The Planning Commission finds that on the basis of the whole record before it, there is no substantial evidence that the Project, as mitigated in the IS-MND, will have a significant impact on the environment.
5. During the preparation of the Initial Study Checklist, it was determined that the Project would have no impact or have less-than-significant impact on the following environment factors: Aesthetics, Agriculture and Forestry Resources, Biological Resources, Energy, Hydrology/Water Quality, Land Use/Planning, Mineral Resources, Parks and Recreation, Population/Housing, Public Services, Transportation, Utilities/Service Systems, Wildfire, and Mandatory Findings of Significance. It was determined that the Project would have a potentially significant impact on one or more of the following environmental factors: Air Quality, Cultural Resources, Geology/Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Noise, and Tribal Cultural Resources. Consistent with CEQA Statutes and CEQA Guidelines, the IS-MND contains a full and complete explanation as to how the potentially significant impact on these environmental factors are reduced to less-than-significant impact level by the incorporation of the required mitigation measures.
6. The administrative record is located in the Office of the Town Clerk who is designated as the location and custodian of the documents and other material constituting the record of proceedings upon which this decision is based.
7. The above recitals are true and correct and material to this Resolution.
8. In making these findings, the Town Council relied upon and hereby incorporates by reference all correspondence, staff reports, and other written and oral testimony presented to it.

BE IT FURTHER RESOLVED that the Town Council hereby resolves that Topics 1, 2 and 5-8 of the March 22, 2023 Town Council Colleague's Memo will be incorporated into a Post Housing Element Plan.

Passed and Adopted this 29th day of March 2023.

By: _____
Mayor

ATTEST:

Acting Town Clerk