

**PLANNING COMMISSION
RESOLUTION # 2023-2**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF PORTOLA VALLEY
RECOMMENDING THE TOWN COUNCIL ADOPT THE 2023-2031 HOUSING ELEMENT
UPDATE AND OTHER GENERAL PLAN AMENDMENTS
REQUIRED TO CONFORM WITH THE UPDATED HOUSING ELEMENT**

WHEREAS, the California Government Code Section 65300 et. seq. requires every city and county in California to adopt a General Plan for its long-range development, and further, to periodically update that Plan to reflect current conditions and issues;

The Current Affordability Crisis

WHEREAS, the California legislature has found that “California has a housing supply and affordability crisis of historic proportions. The consequences of failing to effectively and aggressively confront this crisis are hurting millions of Californians, robbing future generations of the chance to call California home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and undermining the state’s environmental and climate objectives.” (Gov. Code Section 65589.5.);

WHEREAS, the legislature has further found that “Among the consequences of those actions are discrimination against low-income and minority households, lack of housing to support employment growth, imbalance in jobs and housing, reduced mobility, urban sprawl, excessive commuting, and air quality deterioration.” (Gov. Code Section 65589.5.);

The Town’s RHNA Allocation

WHEREAS, State Housing Element Law (Article 10.6 of Gov. Code) requires that the Town Council adopt a Housing Element for the eight-year period 2023-2031 to accommodate the Town of Portola Valley’s (Town) regional housing need allocation (RHNA) of 253 housing units, comprised of 73 very-low income units, 42 low-income units, 39 moderate-income units, and 99 above moderate-income units together with an appropriate buffer to ensure compliance with the “no net loss” requirements of Housing Element law;

Housing Element Law Requirements

WHEREAS, State law requires that the Town conduct an assessment of housing needs and prepare an inventory of resources and constraints relevant to the meeting of these needs, including analysis of population and employment trends, household characteristics, inventory of land suitable and available for residential development (Gov. Code Section 65583(a));

WHEREAS, State law requires that the Town identify a zone or zones where emergency shelters are allowed as a permitted use with sufficient capacity to accommodate the need for emergency shelter identified in the assessment of housing needs (Gov. Code Section 65583(a)(4));

WHEREAS, State law requires that the Town analyze potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including for special housing needs and persons with disabilities, land use controls, fees, and

permit procedures, along with efforts to remove governmental constraints (Gov. Code Section 65583(a)(5));

WHEREAS, State law requires that the Town analyze potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, the cost of construction, the requests to develop housing at densities below those identified in the sites inventory, along with local efforts to remove nongovernmental constraints (Gov. Code Section 65583(a)(6));

WHEREAS, State law requires that the Town analyze special housing needs, such as those of the elderly; persons with disabilities, including a developmental disability, large families; farmworkers; families with female heads of households; and families and persons in need of emergency shelter (Gov. Code Section 65583(a)(7));

WHEREAS, State law requires that the Town analyze opportunities for energy conservation with respect to residential development (Gov. Code Section 65583(a)(8));

WHEREAS, State law requires that the Town analyze existing assisted housing developments that are eligible to change from low-income housing uses during the next 10 years (Gov. Code Section 65583(a)(9));

WHEREAS, State law requires that the Town prepare a statement of the community's goals, quantified objectives, and policies relative to affirmatively furthering fair housing and to the maintenance, preservation, improvement, and development of housing (Gov. Code Section 65583(b));

WHEREAS, State law requires that the Town prepare a program that sets forth a schedule of actions during the planning period, each with a timeline for implementation, to implement the policies and achieve the goals and objectives of the housing element through the administration of land use and development controls, the provision of regulatory concessions and incentives, the utilization of appropriate federal and state financing (Gov. Code Section 65583(c));

WHEREAS, State law requires that the Town identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the Town's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory without rezoning (Gov. Code Section 65583(c)(1));

WHEREAS, State law requires that, where the Town identifies inadequate sites in the inventory to accommodate the need for groups of all household income levels, that the rezoning of those sites, including adoption of minimum density and development standards, for jurisdictions with an eight-year Housing Element planning period, shall be completed no later than three years after either the date the housing element is adopted pursuant to subdivision (f) of Gov. Code Section 65585;

WHEREAS, State law requires that the Town identify programs that assist in the development of adequate housing to meet the needs of extremely low, very low, low-, and moderate-income households (Gov. Code Section 65583(c)(2));

WHEREAS, State law requires that the Town identify programs that address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities (Gov. Code Section 65583(c)(3));

WHEREAS, State law requires that the Town identify programs that conserve and improve the condition of the existing affordable housing stock, which may include addressing ways to mitigate the loss of dwelling units demolished by public or private action (Gov. Code Section 65583(c)(4));

WHEREAS, State law requires that the Town identify programs that promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other protected characteristics, and any other state and federal fair housing and planning law (Gov. Code Section 65583(c)(5));

WHEREAS, State law requires that the Town identify programs that preserve for lower income households the assisted housing developments that are eligible to change from low-income housing uses during the next 10 years (Gov. Code Section 65583(c)(6));

WHEREAS, State law requires that the Town develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent for very low, low-, or moderate-income households (Gov. Code Section 65583(c)(7));

WHEREAS, State law requires that the Town identify the agencies and officials responsible for the implementation of the various actions and the means by which consistency will be achieved with other General Plan Elements and community goals (Gov. Code Section 65583(c)(8));

New Affirmatively Furthering Fair Housing (AFFH) Requirements

WHEREAS, State law requires that the Town make a diligent effort by the local government to achieve public participation of all economic segments of the community in the development of the Housing Element, and the program shall describe this effort (Gov. Code Section 65583(c)(9));

WHEREAS, State law requires that the Town affirmatively further fair housing in accordance with Gov. Code Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2 (Gov. Code Section 65583(c)(10));

WHEREAS, State law requires that the Town include a summary of fair housing issues in the jurisdiction and an assessment of the jurisdiction's fair housing enforcement and fair housing outreach capacity (Gov. Code Section 65583(c)(10)(A)(i));

WHEREAS, State law requires that the Town include an analysis of available federal, state, and local data and knowledge to identify integration and segregation patterns and trends, racially or ethnically concentrated areas of poverty and affluence, disparities in access to opportunity, and disproportionate housing needs, including displacement risk (Gov. Code Section 65583(c)(10)(A)(ii));

WHEREAS, State law requires that the Town include an assessment of the contributing factors, including the local and regional historical origins and current policies and practices, for the fair housing issues (Gov. Code Section 65583(c)(10)(A)(iii));

WHEREAS, State law requires that the Town identify the jurisdiction's fair housing priorities and goals, giving highest priority to those factors identified that limit or deny fair housing choice or access to opportunity, or negatively impact fair housing or civil rights compliance, and identifying the metrics and milestones for determining what fair housing results will be achieved (Gov. Code Section 65583(c)(10)(A)(iv));

WHEREAS, State law requires that the Town include strategies and actions to implement those priorities and goals, which may include, but are not limited to, enhancing mobility strategies and encouraging development of new affordable housing in areas of opportunity, as well as place-based strategies to encourage community revitalization, including preservation of existing affordable housing, and protecting existing residents from displacement (Gov. Code Section 65583(c)(10)(A)(v));

WHEREAS, State law allows local government to satisfy all or part of its requirement to identify a zone or zones suitable for the development of emergency shelters by adopting and implementing a multijurisdictional agreement (Gov. Code Section 65583(d));

Public Outreach and Review Process

WHEREAS, the Town conducted extensive community outreach over 24 months and totaling approximately 126 hours, including the following public meetings to discuss various aspects of the Housing Element update (current through February 17, 2023): 7 Town Council meetings; 10 Planning Commission meetings; 1 Joint Town Council and Planning Commission meeting; 15 Ad Hoc Housing Element Committee meetings; 2 Ad Hoc Committee of Town Committees meetings; and 2 Community-Wide meetings;

WHEREAS, on August 11, 2022, the Town submitted the draft Housing Element to the State Department of Housing and Community Development (HCD) for review;

WHEREAS, on November 9, 2022, HCD provided the Town with a number of comments regarding the draft Housing Element (Exhibit A), and based upon comments, Town staff revised the draft Housing Element to include additional information and data to support the Town's position that the proposed programs and zoning changes would be adequate to accommodate the RHNA and affirmatively further fair housing as shown in Exhibit B;

Environmental Review Process

WHEREAS, the Town, as lead agency under the California Environmental Quality Act ("CEQA"), prepared an Initial Study/Mitigated Negative Declaration (IS/MND) for the Housing Element, Safety Element, conforming General Plan amendments and zoning code amendments and circulated it for public review;

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 Planning Commission and the public on November 16, 2022, the adequacy of the IS/MND, and the recommended text changes to the IS/MND. The Planning Commission then recommended approval of the IS/MND, updated Response to Comments, and further

recommended that the Town Council adopt the project design features listed in the Targ/Brothers Colleagues Memo, excluding the financial terms, through the mechanism of Council's choosing, and additionally 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;

Conforming General Plan Amendments

WHEREAS, on November 30, 2022, the Planning Commission discussed amendments to the General Plan required to conform with the Housing Element.

WHEREAS, these programs include: the creation of a new "Gateway" district that allows affordable housing, recreation, and open space; the creation of two new multi-family land use classifications allowing up to four and 20 dwelling units per acre, respectively; an "opt-in" overlay provision permitting limited single family homes to voluntarily upzone to up to 4 units (not to exceed a townwide total of 12 units), and a new mixed-use land use classification to allow for up to six dwelling units per acre. These changes will require relatively minor conforming updates to the Land Use Element, the Nathhorst Triangle Plan, and corresponding maps/diagrams;

WHEREAS, on November 30, 2022, the Planning Commission also discussed the need to update the Alpine Scenic Corridor Plan to clarify that any new development along the Alpine Scenic Corridor should be designed to respect the Plan's scenic principles and provide sufficient setback for the use of Alpine Road as a major evacuation corridor. The Planning Commission also discussed that the Land Use Element be updated to remove outdated, impermissible limits on household composition;

WHEREAS, on March 6, 2023, the Planning Commission further discussed amendments to the General Plan required to conform with the Housing Element as required for general plan consistency;

WHEREAS, on March 2, 2023, the Town published the final draft Housing Element on the Town website and requested public comment on the final draft;

WHEREAS, the Planning Commission held a public hearing on March 6, 2023, considered all public comments received, the presentation by Town staff, the staff report, and all other pertinent documents regarding the proposed request, which are incorporated by reference;

WHEREAS, the Planning Commission has reviewed the Housing Element and all pertinent maps, documents and exhibits, including HCD's findings in Exhibit A, the Town's response to HCD's findings in Exhibit B, the staff report and all attachments, and oral and written public comments; and determined the Housing Element to be consistent with State law and the General Plan;

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby makes the following findings to recommend the Town Council approve the General Plan amendment to update the Housing Element and other portions of the General Plan (collectively "General Plan amendments") for consistency with the Housing Element:

1. The above recitals set forth in this resolution are hereby incorporated.

2. Planning Commission Resolution No. 1 adopted on February 15, 2023, including Exhibit A Project Design Features and Exhibit B Key Approaches to Fire Safety is hereby incorporated. The Commission finds that on the basis of the whole record before it, there is no substantial evidence that the adoption of the Housing Element and the General Plan amendments, as mitigated in the Mitigated Negative Declaration, will have a significant impact on the environment.
3. The proposed Housing Element amendment attached to the Staff Report as Attachment 1, as amended by the Planning Commission on March 6, 2023, is necessary to implement the State housing Element law. The Housing Element will accommodate higher density multifamily housing to expand housing options and affordability.
4. The Housing Element substantially complies with Housing Element Law, as provided in Government Code 65580 et seq. and contains all provisions required by State Housing Element Law.
5. A key principle of General Plan law is that each element in the General Plan must be consistent with one another. Therefore, to ensure consistency with the Housing Element the Planning Commission recommends that the Town Council adopt the following minor conforming amendments to other General Plan elements: the Land Use Element, the Nathhorst Triangle Plan, and corresponding maps/diagrams; the Alpine Scenic Corridor Plan; and the Land Use Element to remove outdated, impermissible limits on household composition as set forth in Attachment 3 to the Staff Report.
6. The proposed General Plan amendments will not be detrimental to the public interest, convenience, and general welfare of the Town. The amendments will result in a logical placement of land uses consistent with the overall intent of the General Plan and facilitate housing development opportunities at a range of income levels and household types. The proposed General Plan amendments will facilitate the development, maintenance, and improvement of adequate and affordable housing for new and existing residents, which will be a benefit to the public.

Passed and Adopted at this special meeting of the Planning Commission of the Town of Portola Valley on March 6, 2023.

By: Anne Kopf-Sill
Anne Kopf-Sill, Chair

ATTEST:

Laura Russell
Laura Russell, Planning and Building Director