



TOWN OF PORTOLA VALLEY

Special Meeting of the Town Council

Monday, March 29, 2023
7:00 P.M.

Jeff Aalfs, Mayor
Sarah Wernikoff, Vice Mayor
Judith Hasko, Councilmember
Mary Hufty, Councilmember
Craig Taylor, Councilmember

SPECIAL MEETING AGENDA

HISTORIC SCHOOLHOUSE - 765 Portola Road, Portola Valley, CA 94028

Remote Public Comments: Meeting participants are encouraged to submit public comments in writing in advance of the meeting. Please submit your comments using this [online form](#) by 1:00 PM on the day of the meeting. Time permitting, your correspondence will be uploaded to the website. All received questions will be forwarded to Council, Commission, or Committee members for consideration during the meeting and included in the public record. Additionally, technology permitting, the public body will take questions using the Raise Hand button for those who attend the meeting online or by phone. Phone callers may provide comments by pressing *9 on your phone to "raise your hand" and *6 to mute/unmute yourself. The meeting Chair will call on people to speak by the phone number calling in. Remote participation is provided as a supplemental way to provide public comment, but this method does not always work. The public is encouraged to attend in person to ensure full participation.

Assistance for People with Disabilities: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Town Clerk at (650) 851-1700 or by email at towncenter@portolavalley.net. Notification 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting.

VIRTUAL PARTICIPATION VIA ZOOM

To access the meeting by computer:

<https://us06web.zoom.us/j/83065090408?pwd=YjdwMkZUOE1RMEhIU2dHekpaVi9vZz09>

Webinar ID: 830 6509 0408

Passcode: 551767

To access the meeting by phone:

1-669-900-6833 or 1-888-788-0099 (toll-free)

Mute/Unmute – Press *6 / Raise Hand – Press *9

1. CALL TO ORDER

2. ORAL COMMUNICATIONS

Persons wishing to address the Town Council on any subject may do so now. Please note, however, that the Council is not able to undertake extended discussion or action tonight on items, not on the agenda.

Speakers' time is limited to three minutes

3. PUBLIC HEARING

- Adoption** of Resolutions 1) Adopting 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) Adopting Proposed Housing Element and Conforming General Plan Amendments

4. ACTION ITEMS

- Approval** of Employment Agreement with Howard Young for Interim Town Manager and Authorization of Budget Amendment for Additional Consulting Services

5. COUNCIL LIAISON COMMITTEE AND REGIONAL AGENCIES REPORTS

Oral and written reports arising out of liaison appointments to both in-town and regional committees and initiatives. *The Town Council does not take action under this agenda item.*

6. ADJOURNMENT

The next Regular Town Council meeting will be held on April 12, 2023 at 7:00 p.m.



TOWN OF PORTOLA VALLEY STAFF REPORT

TO: Mayor and Town Council

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

Hury

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 Pan 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

MITIGATION MONITORING AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program (MMRP) was formulated based on the findings of the Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the **Portola Valley Housing and Safety Elements Update and Conforming General Plan and Zoning Code Amendments** in the Town of Portola Valley. This MMRP complies with Section 15097 of the *CEQA Guidelines*, which requires that the Lead Agency “adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects.” The MMRP lists mitigation measures recommended in the IS/MND and identifies mitigation monitoring requirements.

The MMRP table below presents the mitigation measures identified in the IS/MND necessary to mitigate potentially significant impacts. Each mitigation measure is numbered according to the topical section to which it pertains in the IS/MND. As an example, Mitigation Measure AIR-1 is the first mitigation measure identified in the IS/MND in *Section III.C, Air Quality*.

The first column of the MMRP table identifies the mitigation measure. The second column identifies implementation action and responsibility, while the third column identifies the monitoring schedule or timing, and the fourth column names the party responsible for monitoring and the required monitoring action. The fifth column provides a place to record compliance with monitor dates and initials. These last columns will be used by the Town of Portola Valley to ensure that individual mitigation measures are monitored.

Mitigation Measures	Implementation Responsibility/Action	Timing	Monitoring Responsibility/Action	Date Completed/Signature
A. AESTHETICS				
<i>Implementation of the project would not result in any significant aesthetics impacts.</i>				
B. AGRICULTURE AND FORESTRY RESOURCES				
<i>Implementation of the project would not result in any significant agriculture and forestry resources impacts.</i>				
C. AIR QUALITY				
<p>AIR-1: Dust Control Program. During project construction, the contractor shall implement a dust control program that includes the following measures recommended by the Bay Area Air Quality Management District (BAAQMD) and these measures shall be included in contract specifications for construction of the project:</p> <ul style="list-style-type: none"> ▪ All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. ▪ All haul trucks transporting soil, sand, or other loose material off-site shall be covered. ▪ All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. ▪ All vehicle speeds on unpaved roads shall be limited to 15 miles per hour. ▪ All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. 	<p>Project Sponsor:</p> <ul style="list-style-type: none"> ▪ Include the AIR-1 requirements in the contract and performance standards for the project contractor. <p>Project Contractor:</p> <ul style="list-style-type: none"> ▪ Fully implement all exhaust control measures required by AIR-1. 	<p>Ongoing throughout demolition, grading, trenching, and construction period.</p>	<p>Town of Portola Valley Planning & Building Department:</p> <ul style="list-style-type: none"> ▪ Make regular, periodic visits to the project site to ensure that all dust control mitigation measures required by AIR-1 are being implemented. 	

Mitigation Measures	Implementation Responsibility/Action	Timing	Monitoring Responsibility/Action	Date Completed/Signature
<ul style="list-style-type: none"> ▪ Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points. ▪ All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. ▪ A publicly visible sign shall be posted with the telephone number and person to contact at the construction site regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations. 	<p>AIR-2: Quantified Emissions. Proposed projects that would exceed the current BAAQMD's screening criteria for operational criteria air pollutant emissions shall retain a qualified air quality consultant to quantify criteria air pollutant emissions and identify measures, as needed, to reduce the project's average daily emissions below 54 pounds per day for ROG, NOx, and PM2.5 and 82 pounds per day for PM10, and reduce the maximum annual emissions below 10 tons per year for ROG, NOx, and PM2.5 and 15 tons per year for PM10. Quantified emissions and identified reduction measures shall be submitted to the Town for review and approval prior to the issuance of building permits.</p>	<p>Project Sponsor:</p> <ul style="list-style-type: none"> ▪ Include the AIR-2 requirements in the contract and performance standards for the project contractor. <p>Project Contractor:</p> <ul style="list-style-type: none"> ▪ Retain a qualified air quality consultant to quantify criteria air pollutant emissions and identify measures, as needed, to reduce the project's average daily emissions below the thresholds (as defined). 	<p>Prior to issuance of the first building permit.</p>	<p>Town of Portola Valley Planning & Building Department:</p> <ul style="list-style-type: none"> ▪ Ensure an air quality consultant is retained by the contractor. ▪ Review and approve the quantified emissions and reduction measures as submitted by the qualified air quality consultant.
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Mitigation Measures	Implementation Responsibility/Action	Timing	Monitoring Responsibility/Action	Date Completed/Signature
	<ul style="list-style-type: none"> ▪ Have the qualified air quality consultant submit the quantified emissions and reduction measures to the Town for review and approval. 			
D. BIOLOGICAL RESOURCES				
<i>Implementation of the project would not result in any significant biological resources impacts. **Note the project is subject to the Town's standard biological restrictions contained in Tables 2-6 of Appendix D-1 (Special Status Species) attached as Exhibit A.</i>				
E. CULTURAL RESOURCES				
CULT-1: Accidental Discovery of Cultural Resources. If cultural material is discovered during ground-disturbing activities on the Ford Field housing site, all work must halt within 50 feet of the find until the qualified archaeologist can determine the significance. No soil shall be exported from within the 50-foot buffer around the find until a determination of significance is made. The qualified archaeologist will then also determine if continued archaeological monitoring, testing, or data recovery is warranted.	<p>Project Sponsor:</p> <ul style="list-style-type: none"> ▪ Include the CULT-1 requirements in the contract and performance standards for the project contractor. <p>Project Contractor:</p> <ul style="list-style-type: none"> ▪ Halt all construction activity within 50 feet of the project site if cultural material is discovered until appropriate action has been taken in accordance with CULT-1. 	Ongoing throughout demolition, grading, trenching, and construction period.	<p>Town of Portola Valley Planning & Building Department:</p> <ul style="list-style-type: none"> ▪ Ensure that a qualified archaeologist is retained by the contractor. 	
CULT-2: Accidental Discovery of Archaeological Resources. If archaeological material is discovered during ground-disturbing activities on The Sequoias or the Glen Oaks housing sites, all work must halt within 50 feet of the find until the qualified archaeologist can determine the significance. No soil shall be exported from within the 50-foot buffer around the find until a determination of significance is made. The qualified archaeologist will then also determine if continued archaeological monitoring, testing, or data recovery is warranted.	<p>Project Sponsor:</p> <ul style="list-style-type: none"> ▪ Include the CULT-2 requirements in the contract and performance standards for the project contractor. <p>Project Contractor:</p> <ul style="list-style-type: none"> ▪ Halt all construction activity within 50 feet of the project site if archaeological material is discovered until appropriate action has been taken in accordance with CULT-2. 	Ongoing throughout demolition, grading, trenching, and construction period.	<p>Town of Portola Valley Planning & Building Department:</p> <ul style="list-style-type: none"> ▪ Ensure that a qualified archaeologist is retained by the contractor. 	

Mitigation Measures	Implementation Responsibility/Action	Timing	Monitoring Responsibility/Action	Date Completed/Signature
CULT-3a: Halt Construction Activity, Evaluate Find, and Implement Mitigation. In the event that any previously unidentified cultural resource (historic/archaeological/paleontological/Native American) are uncovered during site preparation, excavation, or other construction activity, all such activity shall cease until these resources have been evaluated by a qualified consultant and specific measures can be implemented to protect these resources in accordance with sections 21083.2 and 21084.1 of the California Public Resources Code.	<p>Project Sponsor:</p> <ul style="list-style-type: none"> ▪ Include the CULT-3a requirements in the contract and performance standards for the project contractor. <p>Project Contractor:</p> <ul style="list-style-type: none"> ▪ Halt all construction activity if cultural resources (as defined) are uncovered until appropriate action has been taken in accordance with CULT-3a. 	Ongoing throughout demolition, grading, trenching, and construction period.	<p>Town of Portola Valley Planning & Building Department:</p> <ul style="list-style-type: none"> ▪ Ensure that a qualified consultant is retained by the contractor. 	
CULT-3b: Halt Construction Activity, Evaluate Remains, and Take Appropriate Action in Coordination with Native American Heritage Commission. In the event that any human remains are uncovered during site preparation, excavation, or other construction activity, all such activity shall cease until these resources have been evaluated by the County Coroner, and appropriate action taken in coordination with the Native American Heritage Commission, in accordance with section 7050.5 of the California Health and Safety Code or, if the remains are Native American, section 5097.98 of the California Public Resources Code.	<p>Project Sponsor:</p> <ul style="list-style-type: none"> ▪ Include the CULT-3b requirements in the contract and performance standards for the project contractor. <p>Project Contractor:</p> <ul style="list-style-type: none"> ▪ Halt all construction activity if human remains are uncovered until appropriate action has been taken in accordance with CULT-3b. 	Ongoing throughout demolition, grading, trenching, and construction period.	<p>Town of Portola Valley Planning & Building Department:</p> <ul style="list-style-type: none"> ▪ Initiate coordination with the County Coroner and Native American Heritage Commission, if required. 	

F. ENERGY

Implementation of the project would not result in any significant energy impacts.

Mitigation Measures	Implementation Responsibility/Action	Timing	Monitoring Responsibility/Action	Date Completed/Signature
G. GEOLOGY AND SOILS				
GEO-1: Paleontological Resources During Construction. Should any paleontological resources be encountered during construction activities, all ground disturbing activities within 50 feet of the find shall be stopped, the Town shall be notified by the applicant, and a qualified paleontologist shall be contacted and retained to assess the situation per Society of Vertebrate Paleontology standards. The qualified paleontologist shall consult with agencies, as appropriate, and make recommendations for the treatment of the discovery if found to be significant. If construction activities cannot avoid the paleontological resources, adverse effects to paleontological resources shall be mitigated. Mitigation may include monitoring, recording the fossil locality, data recovery and analysis, preparation of a technical report, and providing the fossil material and technical report to a paleontological repository, such as the University of California Museum of Paleontology. Public educational outreach may also be appropriate. Upon completion of the assessment, a report documenting methods, findings, and recommendations shall be prepared and submitted to the Town for review.	<p>Project Sponsor:</p> <ul style="list-style-type: none"> ▪ Include the GEO-1 requirements in the contract and performance standards for the project contractor. <p>Project Contractor:</p> <ul style="list-style-type: none"> ▪ Fully implement all exhaust control measures required by GEO-1. ▪ Contact a qualified paleontologist, if required. 	Ongoing throughout demolition, grading, trenching, and construction period.	<p>Town of Portola Valley Planning & Building Department:</p> <ul style="list-style-type: none"> ▪ Ensure that a qualified paleontologist is retained by the contractor. ▪ Review the technical report methods, findings, and recommendations, if required. 	
H. GREENHOUSE GAS EMISSIONS				
GHG-1: Off-Street Electric Vehicle Requirements. All developments shall demonstrate compliance with the off-street electric vehicle (EV) requirements in the most recently adopted version of CALGreen Tier 2 prior to the Town of Portola Valley issuing building occupancy permits. Alternatively, developments shall demonstrate consistency with a climate action plan adopted by the Town of Portola Valley that meets the criteria under State CEQA Guidelines Section 15183.5(b) and identifies	<p>Project Sponsor:</p> <ul style="list-style-type: none"> ▪ Include the GHG-1 requirements in the contract and performance standards for the project contractor. <p>Project Contractor:</p> <ul style="list-style-type: none"> ▪ Comply with off-street EV requirements as outlined in the Town Building Code, which 	Prior to issuance of the first building occupancy permit.	<p>Town of Portola Valley Planning & Building Department:</p> <ul style="list-style-type: none"> ▪ Ensure developments are consistent with the Town Building Code, which meets the CALGreen Tier 2 EV requirements. 	

Mitigation Measures	Implementation Responsibility/Action	Timing	Monitoring Responsibility/Action	Date Completed/Signature
community-wide measures that can be implemented to achieve the statewide GHG emissions targets of 40 percent below 1990 levels by 2030 and support the State's goal of achieving carbon neutrality by 2045.	meets the CalGreen Tier 2 EV requirements.			
<u>GHG-2: Implement GHG-1.</u>				
I. HAZARDS AND HAZARDOUS MATERIALS				
<p>HAZ-1: Phase I Environmental Site Assessment (ESA). The following requirements related to potential hazardous materials contamination would not apply to residential renovations/additions (due to the limited soil disturbance involved with such projects) or properties where past land uses have included only residential or undeveloped open space (i.e., no previous agricultural, industrial, commercial, or transportation related use) and where placement of undocumented fill material has not occurred. Evidence of such past land use must be demonstrated to the Town through historic aerial photos, maps, and/or building department records.</p> <p>Prior to the Town issuing demolition, grading, or building permits for a proposed redevelopment or development project that would disturb soil (except for residential renovations/additions), the project applicant shall prepare a Phase I Environmental Site Assessment (ESA) for the project site and shall submit the Phase I ESA to the Town for review. If any Recognized Environmental Conditions (RECs) or other environmental concerns are identified in the Phase I ESA, the project applicant shall prepare a Phase II ESA to evaluate the RECs or other environmental concerns and shall submit the Phase II ESA to the Town for review and approval. Phase I and II ESA reports shall be prepared by a qualified environmental</p>				
<p>Project Sponsor:</p> <ul style="list-style-type: none"> ▪ Provide aerial photos, maps, and/or building department records for past land use to the Town. ▪ Have the qualified environmental professional prepare a Phase I ESA. ▪ Have the qualified environmental professional prepare a Phase II ESA, if required. ▪ Prepare a Soil and Groundwater Management Plan, if required. ▪ Take remedial actions at the project site, if required. ▪ Implement any recommendations for additional investigation and/or remedial action planning identified in the Phase I and II ESAs and submit to the Town evidence of approvals from the appropriate federal, State, or regional oversight agency(ies) for any proposed remedial action plans. ▪ Implement the recommendations of the third-party qualified environmental professional following their review of the Phase I and II ESAs, if required. 				
<p>Prior to issuance of demolition, grading, or building permits.</p> <p>Town of Portola Valley Planning & Building Department:</p> <ul style="list-style-type: none"> ▪ Review the Phase I ESA. ▪ Review the Phase II ESA, if required. ▪ Select a third-party qualified environmental professional to review Phase I and II ESAs and proposed remedial action plans, if required. 				

Mitigation Measures	Implementation Responsibility/Action	Timing	Monitoring Responsibility/Action	Date Completed/Signature
<p>professional and include recommendations for further investigation or remedial action, as appropriate, for hazardous materials contamination. Remedial actions may include, but not necessarily be limited to, the preparation and implementation of a Soil and Groundwater Management Plan, removal of hazardous materials containers/features (e.g., underground or aboveground storage tanks, drums, piping, sumps/vaults), proper destruction of water supply wells, removal and off-site disposal of contaminated soil or groundwater, in-situ treatment of contaminated soil or groundwater, or engineering/institutional controls (e.g., capping of contaminated soil, installation of vapor intrusion mitigation systems, and establishing deed restrictions).</p> <p>Prior to the Town issuing demolition, grading, or building permits, the project applicant shall implement any recommendations for additional investigation and/or remedial action planning identified in the Phase I and II ESAs and submit to the Town evidence of approvals from the appropriate federal, State, or regional oversight agency(ies) for any proposed remedial action plans.</p> <p>Prior to the Town issuing a certificate of occupancy, the project applicant shall submit to the Town evidence of approvals from the appropriate federal, State, or regional oversight agency(ies) for the completion of remedial action. If the project applicant indicates that in their view regulatory agency oversight/approval is not required for the proposed project based on the findings of the Phase II ESA and/or the proposed remedial actions, then the Phase I and II ESAs and proposed remedial action plans shall be reviewed by a third-party</p>	<p>Project Sponsor:</p> <ul style="list-style-type: none"> ▪ Submit to the Town evidence of approvals from the appropriate federal, State, or regional oversight agency(ies) for the completion of remedial action, if required. 		<p>Prior to issuance of certificate of occupancy.</p>	

Mitigation Measures	Implementation Responsibility/Action	Timing	Monitoring Responsibility/Action	Date Completed/Signature
qualified environmental professional selected by the Town and funded by the project applicant. The third-party qualified environmental professional shall either approve of the proposed investigation and/or remedial actions or provide recommendations for further investigation, additional/alternative remediation actions, and/or regulatory agency oversight for the project site. The project applicant shall implement the recommendations of the third-party qualified environmental professional prior to the Town issuing demolition, grading, or building permits.				
J. HYDROLOGY/WATER QUALITY				
<i>Implementation of the project would not result in any significant hydrology/water quality impacts.</i>				
K. LAND USE/PLANNING				
<i>Implementation of the project would not result in any significant land use/planning impacts.</i>				
L. MINERAL RESOURCES				
<i>Implementation of the project would not result in any significant mineral resources impacts.</i>				
M. NOISE				
NOISE-1: Screening-Level Vibration Analysis. Where new development is proposed in the vicinity of vibration-sensitive receptors, require a screening level vibration analysis. If a screening-level analysis shows that the project has the potential to substantially disturb vibration-sensitive activities or result in damage to structures, then a qualified professional shall prepare a detailed vibration impact assessment to determine appropriate design standards and methods of construction to avoid potential vibration impacts, if feasible.	<p>Project Sponsor:</p> <ul style="list-style-type: none"> ▪ Include the NOISE-1 requirements in the contract and performance standards for the project contractor. <p>Project Contractor:</p> <ul style="list-style-type: none"> ▪ Conduct a screening-level vibration analysis. ▪ Have a qualified professional prepare a detailed vibration impact assessment and submit to the Town. 	<p>Prior to issuance of demolition, grading, or building permits</p>	<p>Town of Portola Valley Planning & Building Department:</p> <ul style="list-style-type: none"> ▪ Review the detailed vibration impact assessment, if required. 	

Mitigation Measures	Implementation Responsibility/Action	Timing	Monitoring Responsibility/Action	Date Completed/Signature
N. PARKS AND RECREATION				
	<i>Implementation of the project would not result in any significant parks and recreation impacts.</i>			
O. POPULATION/HOUSING				
	<i>Implementation of the project would not result in any significant population/housing impacts.</i>			
P. PUBLIC SERVICES				
	<i>Implementation of the project would not result in any significant public services impacts.</i>			
Q. TRANSPORTATION				
	<i>Implementation of the project would not result in any significant transportation impacts.</i>			
R. TRIBAL CULTURAL RESOURCES				
TRIBE-4: Implement CULT-3a and CULT-3b.	See CULT-3a and CULT-3b.			
S. UTILITIES/SERVICE SYSTEMS				
	<i>Implementation of the project would not result in any significant utilities/service systems impacts.</i>			
T. WILDFIRE				
	<i>Implementation of the project would not result in any significant wildfire impacts.</i>			
U. MANDATORY FINDINGS OF SIGNIFICANCE				
	<i>Implementation of the project would not result in any mandatory findings of significance.</i>			

Addendum to MMRP

Additional Policies (Not CEQA Mitigation Measures)

Definitions

GP = General Plan

HE = Housing Element

MMRP = Mitigation monitoring and reporting program, part of the IS/MND

PC = Planning Commission

PCCM = Planning Commission Colleagues Memo dated February 8, 2023

Post HE Plan = Post-Adoption Housing Element Plan

TC = Town Council

TC HE Subcommittee = Town Council Post HE Plan Subcommittee

Addendum to MMRP

CEQA Guidelines/Local Guidance

Action	<ol style="list-style-type: none">1. Within 6 months after HE adoption, establish CEQA guidelines per 14 CCR Section 15022.2. Within 8 months after HE adoption, establish local guidance concerning aesthetics, parks and recreation, public services, traffic and wildfire safety to guide future development, with reference, where available, to approaches taken by jurisdictions that have adopted similar measures (such as Gilroy, Los Angeles, San Diego, Oakland and Laguna Niguel).
Process	Planning Staff and CEQA expert to address item 1 under this topic, and submit for TC approval. Planning Staff with CEQA and other consultants to develop framework for item 2 under this topic based on references to other jurisdictions adopting similar local parameters, then submit for discussion and review by the Planning Commission to tailor to community values and the Town's General Plan. It would then be submitted for adoption by the Town Council. One or more public awareness, education and comment meetings would be conducted after the initial PC study session.
Comments	<p>The intent of item 1 under this topic is to comply with state requirements in adopting local CEQA guidelines, and the intent of item 2 under this topic is to clarify and standardize analysis and decision making in the environmental review process for future development projects in Town, with the intent to enhance the measures included in the IS/MND as appropriate to reflect our Town's ethos.</p> <p>Guidelines and features could be derived from existing examples taken from other jurisdictions and would serve to frame the analyses of future project-level environmental impacts and mitigation measures for projects that are not exempt from CEQA, and be informed by public input.</p> <p>Any required General Plan amendments that may be identified in the initial process as being required to effect these actions could be implemented in the next update of the General Plan unless legally required to be adopted earlier.</p>

Addendum to MMRP

Supplemental Safety Measures

Action	Coordinate and ensure that the Town's ongoing safety-related activities also consider the cumulative projected increase, in Town population and housing units arising out of HE adoption, and adopt mechanisms to coordinate with neighboring jurisdictions with respect to safety measures such as the evacuation plan.
Placement	Also referenced in Safety Element and HE (see policy 6)
Process	<p>Staff and consultants would reach out to committees involved in the Safety Element process to confirm that such committees assessed and made recommendations to the Planning Commission and Town Council with respect to adjustments to evacuation routes and planning, building codes, and other safety measures (to address fire, geologic, flooding and other risks), specifically arising from the cumulative increase in population and housing units in the HE, adopted fire maps, other elements of the GP, and best practices.</p> <p>These efforts would be made in conjunction with the ongoing Safety Element update, which will be completed to the extent feasible within 6-9 months after the HE adoption.</p> <p>The Post HE Plan will outline details of conducting assessments of safety measures periodically in light of actual and projected housing growth to enable methodical and proactive approach.</p>
Comments	The goal of this effort is to optimize consistency, beyond what is required by CEQA, across the Safety Element, HE, and GP with respect to safety in light of the increase in the Town's population under the new HE, complementing ongoing efforts already in process.

**PORTOLA VALLEY TOWN COUNCIL
RESOLUTION NO. -2023**

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PORTOLA VALLEY
ADOPTING 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 shelters 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 142 hours, including the following public meetings to discuss various aspects of the Housing Element update: 9 Town Council meetings; 11 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 written and 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 the Housing Element and conforming general plan amendments 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;

Town Council Review of Housing Element and Supporting Documents

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 and the Post-Adoption Housing Element Colleague's Memo; 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 Post-Adoption Housing Element Colleague's Memo, the Housing Element, and the Conforming General Plan Amendments;

NOW, THEREFORE, BE IT RESOLVED that the Town Council hereby takes the following actions:

1. As detailed in Resolution **XX** adopted concurrently, the Council 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 associated General Plan amendments, as mitigated in the Mitigated Negative Declaration, will have a significant impact on the environment.
2. The proposed 2023-2031 Housing Element amendment and the Errata attached to the March 29, 2023 Staff Report as Attachments 6 and 8, respectively, are hereby adopted. The Housing Element shall supersede the existing Housing Element and the Planning and Building Director shall be authorized to incorporate the Errata into a final draft, edit for typographical errors and submit such draft to the Department of Housing and Development (HCD) for certification.
3. The Housing Element is necessary to implement State housing element law. The Housing Element will accommodate higher density multifamily housing to expand housing options and affordability.
4. The Housing Element contains all provisions required by State Housing Element Law as set forth in Exhibit C which is incorporated by this reference, and the Council thereby self certifies that the Housing Element substantially complies with Housing Element Law, as provided in Government Code 65580 *et seq.* .
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 Town Council adopts 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 7 to the March 29 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 on this 29th day of March 2023.

By: _____

Mayor Jeff Aalfs

ATTEST:

Acting Town Clerk

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500

Sacramento, CA 95833

(916) 263-2911 / FAX (916) 263-7453

www.hcd.ca.gov

November 9, 2022

Laura Russel, Planning & Building Director
 Town of Portola Valley
 765 Portola Road,
 Portola Valley, CA 94028

Dear Laura Russell:

RE: The Town of Portola Valley's 6th Cycle (2023-2031) Draft Housing Element

Thank you for submitting the Town of Portola Valley's (Town) draft housing element received for review on August 11, 2022. Pursuant to Government Code section 65585, subdivision (b), the California Department of Housing and Community Development (HCD) is reporting the results of its review. Our review was facilitated by a conversation November 7, 2022 with you, Jeremy Dennis, Adrienne Smith, and consultants Cara Silver, Arly Dolbakian, Carla Violet, and Curtis Banks. In addition, HCD considered comments from Greenbelt Alliance and YIMBY LAW, pursuant to Government Code section 65585, subdivision (c).

The draft element addresses many statutory requirements; however, revisions will be necessary to comply with State Housing Element Law (Article 10.6 of the Gov. Code). The enclosed Appendix describes these, and other revisions needed to comply with State Housing Element Law.

For your information, pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), if a local government fails to adopt a compliant housing element within 120 days of the statutory deadline (January 31, 2023), then any rezoning to accommodate the regional housing needs allocation (RHNA), including for lower-income households, shall be completed no later than one year from the statutory deadline. Otherwise, the local government's housing element will no longer comply with State Housing Element Law, and HCD may revoke its finding of substantial compliance pursuant to Government Code section 65585, subdivision (i). Please be aware, if the Town fails to adopt a compliant housing element within one year from the statutory deadline, the element cannot be found in substantial compliance until rezones to accommodate a shortfall of sites pursuant to Government Code section 65583, subdivision (c), paragraph (1), subparagraph (A) and Government Code section 65583.2, subdivision (c) are completed.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element

process, the Town should continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate. Please be aware, any revisions to the element must be posted on the local government's website and to email a link to all individuals and organizations that have previously requested notices relating to the local government's housing element at least seven days before submitting to HCD.

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the Town to consider timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at:
<https://www.opr.ca.gov/planning/general-plan/guidelines.html>.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant; the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities programs; and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the Town meets housing element requirements for these and other funding sources.

HCD is committed to assisting the Town in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Molivann Phlong, of our staff, at Molivann.Phlong@hcd.ca.gov.

Sincerely,



Melinda Coy
Proactive Housing Accountability Chief

Enclosure

APPENDIX **TOWN OF PORTOLA VALLEY**

The following changes are necessary to bring the Town's housing element into compliance with Article 10.6 of the Government Code. Accompanying each recommended change, we cite the supporting section of the Government Code.

Housing element technical assistance information is available on HCD's website at <https://www.hcd.ca.gov/hcd-memos>. Among other resources, the housing element section contains HCD's latest technical assistance tool, *Building Blocks for Effective Housing Elements (Building Blocks)*, available at <https://www.hcd.ca.gov/building-blocks> and includes the Government Code addressing State Housing Element Law and other resources.

A. Review and Revision

Review the previous element to evaluate the appropriateness, effectiveness, and progress in implementation, and reflect the results of this review in the revised element. (Gov. Code, § 65588 (a) and (b).)

The review requirement is one of the most important features of the element update. The review of past programs should analyze the Town's accomplishments over the previous planning period. This information provides the basis for developing a more effective housing program.

As part of the evaluation of programs in the past cycle, the element must provide an explanation of the effectiveness of goals, policies, and related actions in meeting the housing needs of special needs populations (e.g., elderly, persons with disabilities, large households, female-headed households, farmworkers, and persons experiencing homelessness).

B. Housing Needs, Resources, and Constraints

1. *Affirmatively further[ing] fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2...shall include an assessment of fair housing in the jurisdiction (Gov. Code, § 65583, subd. (c)(10)(A))*

Integration and Segregation: The element includes some data on integration and segregation at the regional and local level; however, the element must also analyze segregation and integration of familial status and persons with disabilities, including a discussion of patterns and trends over time.

Racial/Ethnic Areas of Concentration of Areas of Affluence (RCAA): The element includes information relative to Racially and Ethnically Concentrated Areas of Poverty (R/ECAP) but should also address concentrated areas of affluence. The combination of the R/ECAP and areas of affluence analyses will help guide goals and actions to address fair housing issues. The analysis should evaluate the patterns and changes

over time at a local (e.g., neighborhood to neighborhood) and regional level (e.g., Town to region).

Disproportionate housing needs and Displacement Risk: The element does include data on overcrowded households, substandard housing conditions, but it must also analyze the cost burdened and extreme cost burdened rates for owner households.

Site Inventory: The Town is predominantly a highest resource category according to TCAC/HCD Opportunity Maps and is predominantly higher income. Sites should be analyzed in relationships to any RCAA identified. The element should also include specific analysis of the Town compared to the region and should formulate policies and programs to promote an inclusive community. For example, the Town should consider additional actions (not limited to the Regional Housing Needs Allocation (RHNA) to promote housing mobility and improve new housing opportunities throughout the Town.

Contributing Factors: The element must prioritize contributing factors to fair housing issues, giving highest priority to those factors that most limit or deny fair housing choice or access to opportunity or negatively impact fair housing or civil rights compliance. Contributing factors create, contribute to, perpetuate, or increase the severity of fair housing issues and are fundamental to adequate goals and actions. Examples include community opposition to affordable housing, housing discrimination, land use and zoning laws, lack of regional cooperation, location and type or lack of affordable housing and lack of public or private investment in areas of opportunity or affordable housing choices. The analysis shall result in strategic approaches to inform and connect goals and actions to mitigate contributing factors to affordable housing.

2. *Include an analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition. (Gov. Code, § 65583, subd. (a)(2).)*

While the element identifies the total number of overpaying households, it must quantify and analyze the number of overpaying lower-income households by tenure (i.e., renter and owner). For additional information and sample analysis, see the Building Blocks at <https://www.hcd.ca.gov/hcd-memos>.

3. *An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, § 65583, subd. (a)(3).)*

The Town has a RHNA of 253 housing units, of which 115 are for lower-income households. To address this need, the element relies on pipeline projects, Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs), an Opt-in-Single-Family Rezoning Program and adopting three new zoning districts to allow multifamily dwellings. To demonstrate the adequacy of these sites and strategies to accommodate the Town's RHNA, the element must include complete analyses:

Pipeline Projects: The Town's RHNA may be reduced by the number of new units built since July 1, 2022. The element indicates 17 units affordable to low-income households are pending in the Willow Commons and Standford Wedge projects but must also demonstrate the affordability of the units. Specifically, the element must assign these units to the various income groups based on actual or anticipated sales price or rent level of the units or other mechanisms ensuring affordability (e.g., deed-restrictions) and demonstrate their availability in the planning period. For units in the pipeline, the element should describe the status of the application, required entitlements, and anticipated date of approval.

Realistic Capacity: While the element provides assumptions of buildout for sites included in the inventory, it must also provide support for these assumptions. For example, the element should demonstrate what specific trends, factors, and other evidence led to the assumptions. The estimate of the number of units for each site must be adjusted as necessary, based on the land use controls and site improvements, typical densities of existing or approved residential developments at a similar affordability level in that jurisdiction, and on the current or planned availability and accessibility of sufficient water, sewer, and dry utilities.

Opt-In-Single-Family Rezoning Program: In order to accommodate the remaining need for the above moderate-income RHNA, the town is proposing to develop a program where property owners can opt-in to rezone their parcel to allow for 4 units per acre and a maximum of four dwelling units per lot. The Town is expecting to increase capacity by 12 units. In order to count these proposed unit towards the RHNA, the element must further describe the potential for additional capacity using the Opt-In-Single-Family Rezoning Program within the planning period. This must include reviewing program guidelines and processes, include a description of existing uses, the number of parcels that could apply for the rezone including a sample parcel inventory, a survey or other methodology to show how many parcels would potentially rezone in the planning period, and incentives for property owners to opt into the program. Please be aware, pursuant to Government Code section 65583 (c)(1)(A), rezones to accommodate RHNA must occur within three years from date of adoption of the element. The element should include a program to monitor application of the program to ensure that rezonings have been completed within that timeframe and commit to rezone or amend the housing element to identify additional sites.

Affiliated Housing Sites: The element identifies two sites that will not be rezoned but are anticipated to be developed under the Affiliated Housing Site Program including the 42 Acre Sequoia Housing Site and the Christ Church Affiliated Housing site. The element must include information that demonstrates the potential for development within the planning period including, but not limited to, information on proposed projects within the planning period, analysis on existing uses and whether those existing uses could impede development, and approval procedures (see next section). The element could also include programs that commit to facilitating the development of these properties and commit to monitor production throughout the planning period and if necessary additional actions to identify additional capacity.

ADUs: The element relies on 92 ADUs to accommodate a portion of the Town's RHNA. For your information, HCD records indicate permitted ADUs of 7 in 2018, 7 in 2019 and 3 in 2020. The element should reconcile these numbers and adjust assumptions as appropriate. The element must clarify these ADUs numbers in relationship to the projections, reconcile these numbers and adjust assumptions as appropriate.

Depending on the analysis, the element must commit to monitor ADU production and affordability throughout the planning period and implement additional actions if not meeting target numbers within a specified time period (e.g., within six months). Finally, if necessary, the degree of additional actions should be in stride with the degree of the gap in production and affordability. For example, if actual production and affordability of ADUs is far from anticipated trends, then rezoning or something similar would be an appropriate action. If actual production and affordability is near anticipated trends, then measures like outreach and marketing might be more appropriate.

Environmental Constraints: While the element generally describes a few environmental conditions within the Town (page 68), it must describe any known environmental constraints within the Town that could impact housing development in the planning period. (Gov. Code, § 65583.2, subd. (b).) For additional information and sample analysis, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/site-inventory-analysis/analysis-of-sites-and-zoning.shtml#environmental>.

Sites with Zoning for a Variety of Housing Types:

- Emergency Shelters: The element should describe the development standards of the zone that allows emergency shelters by-right and should provide an analysis of proximity to transportation and services for these sites, hazardous conditions, and any conditions in appropriate for human habitability. Specifically, the element. In addition, the element should describe how emergency shelter parking requirements are in line with AB139/Government Code section 65583, subdivision (a)(4)(A) or include a program to comply with this requirement.
 - ADUs: The element indicates the Town modified its zoning code to ease barriers to the development of ADU's. However, after a cursory review of the Town's ordinance, HCD discovered several areas which were not consistent with State ADU Law. HCD will provide a complete listing of ADU non-compliance issues under a separate cover. As a result, the element should add a program to update the Town's ADU ordinance in order to comply with state law.
4. *An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Government Code section 65584 and from meeting the need for housing for persons*

with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7). (Gov. Code, § 65583, subd. (a)(5).)

Multi-Family Zoning and Mixed-Use Zoning Districts: As stated above, to accommodate the town's RHNA, three new multifamily zoning districts will be created to accommodate 4 units, 6 units, and 20 units per acre respectively. While HCD recognizes that zoning has not yet been created to implement the new zones, the element should generally describe and commit to expectations for development standards in these zones. For example, the element should describe expected height limits, parking, and other standards that will facilitate development at the densities proposed. This is particularly critical because the Town currently does not have any zoning districts that specifically allow for multifamily.

Minimum Density Equals Maximum Density: The element states that the density for the new multifamily district allows 20 dwelling units an acre. However, the element must clarify if the minimum density for the rezone is also the maximum density. The element must analyze this narrow range of density (20 units per acre) as a potential governmental constraint on housing development including potential impacts resulting from site constraints, financial considerations, and other development factors.

Zoning, Development Standards and Fees: The element must clarify compliance with new transparency requirements for posting all zoning, development standards and fees on the Town's website and add a program to address these requirements, if necessary.

Design Review (D-R) Combining District: The element must further describe and analyze the Design Review Combining District and Architectural and Site Control Commission (ASCC). The element must include a description of any guidelines and design criteria, approval procedures, and decision-making criteria, for their impact as potential constraints on housing supply and affordability. For example, the analysis should consider processing and approval procedures and timeframes, level of review, subjectivity of approval findings and any discretionary approval procedures. The element should also indicate if housing under the new multifamily zoning districts will be subject to this procedure. The element must demonstrate these processes are not a constraint or it must include a program(s) to address this permitting requirement, as appropriate.

Affiliated Housing Program: The element identifies two sites within the inventory for potential for development through the Affiliated Housing Program. While the element provides a brief description (page 82), it must include further information and analysis on how projects proposed under this program are approved. For example, what development standards apply to the project, what types of finding are necessary to approve the conditional use permit, standards that are required to opt-in to the program, and other requirements that impact the feasibility of development on sites within the overlay.

Streamlining Provisions: The element must clarify whether there are written procedures for the SB 35 (Chapter 366, Statutes of 2017) Streamlined Ministerial Approval Process and add a program to address these requirements as appropriate.

Building Codes and Enforcement: While the element states that it has adopted the 2019 building code, it must also describe any local amendments to the building code and enforcement of the codes for impacts on housing supply and affordability.

Constraints on Housing for Persons with Disabilities: The element briefly describes its reasonable accommodation measures (page 51). However, the element should describe the process and decision-making criteria such as approval findings and analyze any potential constraints on housing for persons with disabilities.

The element must also address how non-licensed group home facilities that serve seven or more residences is permitted. Zoning and standards should simply implement a barrier-free definition of family instead of subjecting, potentially persons with disabilities, to special regulations. Zoning code regulations that isolate and regulate various types of housing for persons with disabilities based on the number of people and other factors may pose a constraint on housing choice for persons with disabilities. The element should include specific analysis of these and any other constraints for impacts on housing for persons with disabilities and add or modify programs as appropriate.

Water Sewer Priority: For your information, water and sewer service providers must establish specific procedures to grant priority water and sewer service to developments with units affordable to lower-income households. (Gov. Code, § 65589.7.) Local governments are required to immediately deliver the housing element to water and sewer service providers. HCD recommends including a cover memo describing the Town's housing element, including the Town's housing needs and regional housing need. For additional information and sample cover memo, see the Building Blocks at <https://www.hcd.ca.gov/priority-for-water-and-sewer>.

5. *An analysis of 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 anticipated in the analysis required by subdivision (c) of Government Code section 65583.2, and the length of time between receiving approval for a housing development and submittal of an application for building permits for that housing development that hinder the construction of a locality's share of the regional housing need in accordance with Government Code section 65584. (Gov. Code, § 65583, subd. (a)(6).)*

Developed Densities and Permit Times: The element must be revised to include analysis of requests to develop housing at densities below those anticipated, and the length of time between receiving approval for a housing development and submittal of an application for building permits that potentially hinder the construction of a locality's share of the regional housing need.

6. *Analyze any special housing needs such as 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, §*

65583, subd. (a)(7).)

While the element quantifies some of the Town's special needs populations, it must also analyze their special housing needs. The element must also quantify the number of the elderly and large households. For a complete analysis of each population group, the element should discuss challenges faced by the population, the existing resources to meet those needs (availability senior housing units, # of large units, # of deed restricted units, etc.), an assessment of any gaps in resources, and proposed policies, programs, and funding to help address those gaps.

C. Housing Programs

1. *Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake 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, and the utilization of appropriate federal and state financing and subsidy programs when available. The program shall include an identification of the agencies and officials responsible for the implementation of the various actions. (Gov. Code, § 65583, subd. (c).)*

Programs must demonstrate that they will have a beneficial impact within the planning period. Beneficial impact means specific commitment to deliverables, measurable metrics or objectives, definitive deadlines, dates, or benchmarks for implementation. Deliverables should occur early in the planning period to ensure actual housing outcomes. To address the program requirements of Gov. Code section 65583, subd. (c)(1-6), and to facilitate implementation, programs must include: (1) specific actions the local government will take during the planning period; (2) timelines that result in beneficial impacts within the planning period; (3) objectives, quantified where appropriate; and (4) identification of responsible agencies and officials.

Additionally, all programs should be evaluated to ensure meaningful and specific actions and objectives. Programs containing unclear language (e.g., "Evaluate"; "Consider"; "Encourage"; etc.) should be amended to include more specific and measurable actions. Programs to be revised include, but are not limited to, Programs 1-1-4, 2-1, 3-2, 4-1, 4-2, 4-3, 4-4, and 6-3.

Transitional Housing and Supportive Housing: The element must include a program to amend the zoning ordinance to permit transitional and supportive housing as a residential use in all zones allowing residential uses and only subject to those restrictions that apply to other residential dwellings of the same type in the same zone. (Gov. Code, § 65583, subd. (c)(3).) For additional information, see the Building Blocks' at <https://www.hcd.ca.gov/zoning-for-a-variety-of-housing-types> and HCD's SB 2 memo at http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sb2_memo050708.pdf.

Developmental Disabilities: The element must include a program to assist in the development of housing for persons with developmental disabilities (SB 812). Program actions could include proactive outreach and assistance to non-profit service providers and developers, prioritizing some funding for housing developments affordable to special needs households and offering financial incentives or regulatory concessions to encourage a variety of housing types.

2. *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 or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Government Code section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing.*
(Gov. Code, § 65583, subd. (c)(1).)

As noted in Finding B3, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the Town may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types.

Programs 1-1, 1-2, 1-3: These programs currently have a timeframe for completion of January 2031. Because these programs are required to accommodate the RHNA, pursuant to Government Code section 65583 (c)(1)(A) rezones must be completed within three years from the date of adoption.

For your information, if rezones are completed after January 31, 2023, the element must also demonstrate Program 1-1 complies with the requirements of Government Code section 65583.2, subdivisions (h) and (i). For example, while the element indicates the residential capacity of the rezoned sites, it must also demonstrate the rezoned sites have a site capacity of at least 16 units, permit rental and owner multifamily development without discretionary review at minimum densities of at least 16 or 20 dwelling units per acre, and that at least at least 50 percent of the very low and low-income housing need shall be accommodated on sites designated for exclusive residential uses or on sites zoned for mixed uses that accommodate all of the very low and low-income housing need, if those sites allow 100 percent residential use and require that residential use occupy 50 percent of the total floor area of a mixed-use project. For additional information, go to <https://www.hcd.ca.gov/hcd-memos>.

Program 1-4: The program should be revised to describe incentives for the Affiliated Housing Program and as stated above, include a program to monitor development of sites within the Affiliated Housing Program. In addition, the municipal code update should occur sooner in the planning period to have a beneficial impact.

3. *The Housing Element shall contain programs which assist in the development of adequate housing to meet the needs of extremely low-, very low-, low- and moderate-income households. (Gov. Code, § 65583, subd. (c)(2).)*

Extremely Low-Income Program (ELI): While the element includes programs to assist in the development of very low-, low-, and moderate-income households, it must also include a program(s) to assist in the development of housing affordable households. Programs must be revised or added to the element to assist in the development of housing for ELI households. Program actions could include prioritizing some funding for housing developments affordable to ELI households and offering financial incentives or regulatory concessions to encourage the development of housing types, such as multifamily, single-room occupancy (SRO) units, to address the identified housing needs for ELI households. For additional information, see the Building Blocks at <https://www.hcd.ca.gov/extremely-low-income-housing-needs>.

4. *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. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. (Gov. Code, § 65583, subd. (c)(3).)*

As noted in Finding B4 and B-5, the element requires a complete analysis of potential governmental and nongovernmental constraints. Depending upon the results of that analysis, the Town may need to revise or add programs and address and remove or mitigate any identified constraints.

Program 4-1: This program should be revised to include specific details of the new parking requirements for affordable housing.

Program 4-4: This program should be revised to clarify that the zoning regulations and objective standards will facilitate the development of residential units at the densities proposed.

Pursuant to conversations with staff, the Town's density bonus may be out of date with state law. The element should include a program to update the ordinance accordingly.

5. *The Housing Element shall include programs to conserve and improve the condition of the existing affordable housing stock. (Gov. Code, § 65583, subd. (c)(4).)*

Conserve and Improve: The element must include a program(s) to conserve and improve the condition of the existing stock, which may include addressing the loss of dwelling units. A program could provide grants for substantial rehabilitation, provide matching grants for homeowner improvements, or implement proactive code enforcement program.

6. *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 characteristics protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2), Section 65008, and any other state and federal fair housing and planning law. (Gov. Code, § 65583, subd. (c)(5).)*

Goals and actions must significantly seek to overcome contributing factors to fair housing issues. Currently, the element identifies programs to encourage and promote affordable housing; however, most of these programs do not appear to facilitate any meaningful change nor address affirmatively furthering fair housing requirements. Furthermore, the element must include metrics and milestones for evaluating progress on programs, actions, and fair housing results and include geographic targeting as appropriate. Given that most of the Town is considered a highest resource community, the element could focus on programs that center on place-based strategies for economic and community revitalization, protecting residents from disaster-driven and investment-driven displacement, and enhancing housing mobility to encourage the development of more housing choices and affordable housing. Programs also should be based on identified contributing factors, be significant and meaningful. The element must add, and revise programs based on a complete analysis and listing and prioritization of contributing factors to fair housing issues. For example, the Town could consider tying Program 8-7 towards actions to improve nongovernmental constraints such as mortgage acceptance rates. For more information, please see HCD's guidance at <https://www.hcd.ca.gov/community-development/affh/index.shtml>.

Town Comment Number	HCD Comment	Town Response
1	<p>A. Review and Revision</p> <p><i>Review the previous element to evaluate the appropriateness, effectiveness, and progress in implementation, and reflect the results of this review in the revised element. (Gov. Code, § 65588 (a) and (b).)</i></p> <p>The review requirement is one of the most important features of the element update. The review of past programs should analyze the Town's accomplishments over the previous planning period. This information provides the basis for developing a more effective housing program.</p> <p>As part of the evaluation of programs in the past cycle, the element must provide an explanation of the effectiveness of goals, policies, and related actions in meeting the housing needs of special needs populations (e.g., elderly, persons with disabilities, large households, female-headed households, farmworkers, and persons experiencing homelessness).</p>	<p>Added a list of key accomplishments during the 5th Cycle and additional evaluation on the of past programs in meeting the needs of special needs populations to <i>Appendix D, Revised 2015-2023 Housing Element Performance</i>.</p>
2	<p>B. Housing Needs, Resources, and Constraints</p> <p><i>1. Affirmatively further[ing] fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2...shall include an assessment of fair housing in the jurisdiction (Gov. Code, § 65583, subd. (c)(10)(A))</i></p> <p>Integration and Segregation: The element includes some data on integration and segregation at the regional and local level; however, the element must also analyze segregation and integration of familial status and persons with disabilities, including a discussion of patterns and trends over time.</p>	<p>Added data on familial status under <i>Section 3, AFFH, Primary Findings</i> (fifteenth bullet). Data on persons with disabilities can be found in the text under <i>Section 3, AFFH, Primary Findings</i>, (third and second to last bullets) and <i>Appendix C, AFFH, 4.3.3 Disability Status</i>.</p>
3	<p>Racial/Ethnic Areas of Concentration of Areas of Affluence (RCAA): The element includes information relative to Racially and Ethnically Concentrated Areas of Poverty (R/ECAP) but should also address concentrated areas of affluence. The combination of the R/ECAP and areas of affluence analyses will help guide goals and actions to address fair housing issues. The analysis should evaluate the patterns and changes over time at a local (e.g., neighborhood to neighborhood) and regional level (e.g., Town to region).</p>	<p>Added RCAA text in <i>Appendix C, AFFH, 4.3.3 Racially or Ethnically Concentrated Areas of Poverty and Affluence</i> and <i>Section 3, AFFH, Primary Findings</i>.</p>
4	<p>Disproportionate housing needs and Displacement Risk: The element does include data on overcrowded households, substandard housing conditions, but it must also analyze the cost burdened and extreme cost burdened rates for owner households.</p>	<p>Added Figures 3-2: Overpayment by AMI and 3-3: Overpayment by Tenure and additional text to <i>Section 3, AFFH</i> under subheading Primary Findings, and to <i>Appendix C, AFFH, Section 6.2 Cost Burden and Sever Cost Burden</i>.</p>
5	<p>Site Inventory: The Town is predominantly a highest resource category according to TCAC/HCD Opportunity Maps and is predominantly higher income. Sites should be analyzed in relationships to any RCAA identified. The element should also include specific analysis of the Town compared to the region and should formulate policies and programs to promote an inclusive community. For example, the Town should consider additional actions (not limited to the Regional Housing Needs Allocation (RHNA) to promote housing mobility and improve new housing opportunities throughout the Town.</p>	<p>Added text under <i>Appendix C, AFFH, 7.2 Distribution of sites in the Site Inventory</i> and <i>Section 3, AFFH, Primary Findings</i>.</p> <p>Added language to <i>Section 6, Adequate Sites</i> discussing how Sites locations will help address concerns described in <i>Section 3, AFFH</i>.</p>
6	<p>Contributing Factors: The element must prioritize contributing factors to fair housing issues, giving highest priority to those factors that most limit or deny fair housing choice or access to opportunity</p>	<p>Added text in <i>Section 3, AFFH, Table 3-1</i> to denote "low, medium, and high" prioritization of Contributing Factors.</p>

	<p>or negatively impact fair housing or civil rights compliance. Contributing factors create, contribute to, perpetuate, or increase the severity of fair housing issues and are fundamental to adequate goals and actions. Examples include community opposition to affordable housing, housing discrimination, land use and zoning laws, lack of regional cooperation, location and type or lack of affordable housing and lack of public or private investment in areas of opportunity or affordable housing choices. The analysis shall result in strategic approaches to inform and connect goals and actions to mitigate contributing factors to affordable housing.</p>	
7	<p><i>2. Include an analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition. (Gov. Code, § 65583, subd. (a)(2).)</i></p> <p>While the element identifies the total number of overpaying households, it must quantify and analyze the number of overpaying lower-income households by tenure (i.e., renter and owner). For additional information and sample analysis, see the Building Blocks at https://www.hcd.ca.gov/hcd-memos.</p>	<p>Added Figures 3-4 and 3-5 Cost Burden by Income for Owners, and for Renters, respectively, showing overpayment by tenure by income level to <i>Section 3, AFFH</i> under subsection Primary Findings. Added analysis of data.</p>
8	<p><i>3. An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, § 65583, subd. (a)(3).)</i></p> <p>The Town has a RHNA of 253 housing units, of which 115 are for lower-income households. To address this need, the element relies on pipeline projects, Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs), an Opt-in-Single-Family Rezoning Program and adopting three new zoning districts to allow multifamily dwellings. To demonstrate the adequacy of these sites and strategies to accommodate the Town's RHNA, the element must include complete analyses:</p> <p>Pipeline Projects: The Town's RHNA may be reduced by the number of new units built since July 1, 2022. The element indicates 17 units affordable to low-income households are pending in the Willow Commons and Stanford Wedge projects but must also demonstrate the affordability of the units. Specifically, the element must assign these units to the various income groups based on actual or anticipated sales price or rent level of the units or other mechanisms ensuring affordability (e.g., deed-restrictions) and demonstrate their availability in the planning period. For units in the pipeline, the element should describe the status of the application, required entitlements, and anticipated date of approval.</p>	<p>Added language to <i>Section 6, Adequate Sites</i> under subheading Pipeline and Pending Projects, with additional details on the Willow Commons and Stanford Wedge projects.</p>
9	<p>Realistic Capacity: While the element provides assumptions of buildout for sites included in the inventory, it must also provide support for these assumptions. For example, the element should demonstrate what specific trends, factors, and other evidence led to the assumptions. The estimate of the number of units for each site must be adjusted as necessary, based on the land use controls and site improvements, typical densities of existing or approved residential developments at a similar affordability level in that jurisdiction, and on the current or planned availability and accessibility of sufficient water, sewer, and dry utilities.</p>	<p>Added language to <i>Section 6, Adequate Sites</i> under subheading Realistic Capacity, describing local setting (no multifamily zones, limited multifamily development), site quality, and the rezonings.</p>
10	<p>Opt-In-Single-Family Rezoning Program: In order to accommodate the remaining need for the above moderate-income RHNA, the town is proposing to develop a program where property owners can opt-in to rezone their parcel to allow for 4 units per acre and a maximum of four dwelling units per lot. The Town is expecting to increase capacity by 12 units. In order to count these proposed unit towards the RHNA, the element must further describe the potential for additional capacity using</p>	<p>Added language to <i>Section 6, Adequate Sites</i> under Subheading Opt-In Housing Program, providing additional detail on how the program would function, program incentives the review process for applicants. Revised Opt-In program language in <i>Section 7, Programs</i> (Program 1-3) to reflect additional program details.</p>

	<p>the Opt-In-Single-Family Rezoning Program within the planning period. This must include reviewing program guidelines and processes, include a description of existing uses, the number of parcels that could apply for the rezone including a sample parcel inventory, a survey or other methodology to show how many parcels would potentially rezone in the planning period, and incentives for property owners to opt into the program. Please be aware, pursuant to Government Code section 65583 (c)(1)(A), rezones to accommodate RHNA must occur within three years from date of adoption of the element. The element should include a program to monitor application of the program to ensure that rezonings have been completed within that timeframe and commit to rezone or amend the housing element to identify additional sites.</p>	
11	<p>Affiliated Housing Sites: The element identifies two sites that will not be rezoned but are anticipated to be developed under the Affiliated Housing Site Program including the 42 Acre Sequoia Housing Site and the Christ Church Affiliated Housing site. The element must include information that demonstrates the potential for development within the planning period including, but not limited to, information on proposed projects within the planning period, analysis on existing uses and whether those existing uses could impede development, and approval procedures (see next section). The element could also include programs that commit to facilitating the development of these properties and commit to monitor production throughout the planning period and if necessary additional actions to identify additional capacity.</p>	<p>Added language to <i>Section 6, Adequate Sites</i>, under subheading Affiliated Housing Sites to describe the codification of the Affiliated Housing Program and more information about the Sequoias and Christ Church sites.</p>
12	<p>ADUs: The element relies on 92 ADUs to accommodate a portion of the Town's RHNA. For your information, HCD records indicate permitted ADUs of 7 in 2018, 7 in 2019 and 3 in 2020. The element should reconcile these numbers and adjust assumptions as appropriate. The element must clarify these ADUs numbers in relationship to the projections, reconcile these numbers and adjust assumptions as appropriate. Depending on the analysis, the element must commit to monitor ADU production and affordability throughout the planning period and implement additional actions if not meeting target numbers within a specified time period (e.g., within six months). Finally, if necessary, the degree of additional actions should be in stride with the degree of the gap in production and affordability. For example, if actual production and affordability of ADUs is far from anticipated trends, then rezoning or something similar would be an appropriate action. If actual production and affordability is near anticipated trends, then measures like outreach and marketing might be more appropriate.</p>	<p>Added languages to <i>Section 6, Adequate Sites</i>, under subheading Accessory Dwelling Units and Junior Accessory Dwelling Units to strengthen assumptions about ADU production.</p> <p>HCD, Thank you for noting the discrepancy between the Town's records and HCD records. The Town is aware of past reporting errors that need to be corrected with HCD. Unfortunately, the report form was completed incorrectly so the numbers do not align.</p> <p>(Town may need to add a program to resolve the past reporting problems.)</p>
13	<p>Environmental Constraints: While the element generally describes a few environmental conditions within the Town (page 68), it must describe any known environmental constraints within the Town that could impact housing development in the planning period. (Gov. Code, § 65583.2, subd. (b).) For additional information and sample analysis, see the Building Blocks at http://www.hcd.ca.gov/community-development/building-blocks/site-inventory-analysis/analysis-of-sites-and-zoning.shtml#environmental.</p>	<p>Added discussion of biological and hazardous materials to <i>Section 4, Constraints</i> under the Environmental Constraints subheading.</p>
14	<p>Sites with Zoning for a Variety of Housing Types:</p> <ul style="list-style-type: none"> ▪ Emergency Shelters: The element should describe the development standards of the zone that allows emergency shelters by-right and should provide an analysis of proximity to transportation and services for these sites, hazardous conditions, and any conditions in appropriate for human habitability. Specifically, the element. In addition, the element should describe how emergency shelter parking requirements are in line with AB139/Government Code section 65583, subdivision (a)(4)(A) or include a program to comply with this requirement. 	<p>Added language to <i>Section 4, Constraints</i> under subheading Zoning Code describing addition of Emergency Shelters to new code for Multi-Family zones, and shelter regulations as permitted by Government Code section 65583 (a)(4)(A).</p> <p>Added language to <i>Section 2, Housing Needs</i>, referring to Emergency Shelter updates in new Multi-Family zones, as described in <i>Section 4, Constraints</i>.</p>
15	<ul style="list-style-type: none"> ▪ ADUs: The element indicates the Town modified its zoning code to ease barriers to the development of ADU's. However, after a cursory review of the Town's ordinance, HCD discovered 	<p>Added Program 7-8, Update Town's ADU ordinance regularly to comply with state law, to <i>Section 7, Goals, Policies, and Programs</i>. A description of Program 7-8 was</p>

	<p>several areas which were not consistent with State ADU Law. HCD will provide a complete listing of ADU non-compliance issues under a separate cover. As a result, the element should add a program to update the Town's ADU ordinance in order to comply with state law.</p>	<p>also added to <i>Section 6, Adequate Sites</i>, where the proposed ADU programs are described, under subheading Proposed ADU and JADU Policies and Programs.</p>
16	<p><i>4. An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Government Code section 65584 and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7). (Gov. Code, § 65583, subd. (a)(5).)</i></p> <p><u>Multi-Family Zoning and Mixed-Use Zoning Districts:</u> As stated above, to accommodate the town's RHNA, three new multifamily zoning districts will be created to accommodate 4 units, 6 units, and 20 units per acre respectively. While HCD recognizes that zoning has not yet been created to implement the new zones, the element should generally describe and commit to expectations for development standards in these zones. For example, the element should describe expected height limits, parking, and other standards that will facilitate development at the densities proposed. This is particularly critical because the Town currently does not have any zoning districts that specifically allow for multifamily.</p>	<p>Updated <i>Section 6, Adequate Sites</i> to add basic development standards. Corresponding zoning code amendments are underway and expected to be completed by July 2023.</p>
17	<p><u>Minimum Density Equals Maximum Density:</u> The element states that the density for the new multifamily district allows 20 dwelling units an acre. However, the element must clarify if the minimum density for the rezone is also the maximum density. The element must analyze this narrow range of density (20 units per acre) as a potential governmental constraint on housing development including potential impacts resulting from site constraints, financial considerations, and other development factors.</p>	<p>Updated <i>Section 6, Adequate Sites</i>, to clarify minimum and maximum densities for the new Multi-Family and Mixed Use Districts. The R-MF-20 allows between 10 to 20 dwelling units per acre and the R-MF-4 allows between 2 to 4 dwelling units per acre. The MU allows between 4 to 6 dwelling units per acre.</p>
18	<p><u>Zoning, Development Standards and Fees:</u> The element must clarify compliance with new transparency requirements for posting all zoning, development standards and fees on the Town's website and add a program to address these requirements, if necessary.</p>	
19	<p><u>Design Review (D-R) Combining District:</u> The element must further describe and analyze the Design Review Combining District and Architectural and Site Control Commission (ASCC). The element must include a description of any guidelines and design criteria, approval procedures, and decision-making criteria, for their impact as potential constraints on housing supply and affordability. For example, the analysis should consider processing and approval procedures and timeframes, level of review, subjectivity of approval findings and any discretionary approval procedures. The element should also indicate if housing under the new multifamily zoning districts will be subject to this procedure. The element must demonstrate these processes are not a constraint or it must include a program(s) to address this permitting requirement, as appropriate.</p>	<p>Updated <i>Section 4, Constraints</i>, to clarify limited scope of D-R Combining District and add information about ASCC review process.</p>
20	<p><u>Affiliated Housing Program:</u> The element identifies two sites within the inventory for potential for development through the Affiliated Housing Program. While the element provides a brief description (page 82), it must include further information and analysis on how projects proposed under this program are approved. For example, what development standards apply to the project, what types of finding are necessary to approve the conditional use permit, standards that are</p>	<p><i>Section 7, Goals Policies and Programs</i> (Programs 1-4 and 4-2) updated with detail on the Affiliated Housing Program.</p> <p>in <i>Section 4, Constraints</i>, subsection Conditional Use Permit and Planned Unit Development Permit Processes updated to explain why the permit process does not</p>

	required to opt-in to the program, and other requirements that impact the feasibility of development on sites within the overlay.	impact the feasibility of development. Additionally, each Affiliated site is discussed in detail in <i>Section 6, Adequate sites</i> .
21	<u>Streamlining Provisions:</u> The element must clarify whether there are written procedures for the SB 35 (Chapter 366, Statutes of 2017) Streamlined Ministerial Approval Process and add a program to address these requirements as appropriate.	Added language in <i>Section 4, Constraints</i> , clarifying that, while the Town has not adopted its own procedure, it will follow State law when processing SB 35 applications.
22	<u>Building Codes and Enforcement:</u> While the element states that it has adopted the 2019 building code, it must also describe any local amendments to the building code and enforcement of the codes for impacts on housing supply and affordability.	Added language in <i>Section 4, Constraints</i> , to specify the local amendments related to sustainability and fire safety.
23	<p><u>Constraints on Housing for Persons with Disabilities:</u> The element briefly describes its reasonable accommodation measures (page 51). However, the element should describe the process and decision-making criteria such as approval findings and analyze any potential constraints on housing for persons with disabilities.</p> <p>The element must also address how non-licensed group home facilities that serve seven or more residences is permitted. Zoning and standards should simply implement a barrier-free definition of family instead of subjecting, potentially persons with disabilities, to special regulations. Zoning code regulations that isolate and regulate various types of housing for persons with disabilities based on the number of people and other factors may pose a constraint on housing choice for persons with disabilities. The element should include specific analysis of these and any other constraints for impacts on housing for persons with disabilities and add or modify programs as appropriate.</p>	Updated subsection Zoning for a Variety of Housing Types in <i>Section 4, Constraints</i> to indicate plan to modernize the Municipal Code definition of "household" and added action 8-9 to TABLE 3-1 in <i>Section 3, Affirmatively Furthering Fair Housing</i> .
24	<u>Water Sewer Priority:</u> For your information, water and sewer service providers must establish specific procedures to grant priority water and sewer service to developments with units affordable to lower-income households. (Gov. Code, § 65589.7.) Local governments are required to immediately deliver the housing element to water and sewer service providers. HCD recommends including a cover memo describing the Town's housing element , including the Town's housing needs and regional housing need. For additional information and sample cover memo, see the Building Blocks at https://www.hcd.ca.gov/priority-for-water-and-sewer .	Thanks HCD – Town will distribute Housing Element to water provider.
25	<p><i>5. An analysis of 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 anticipated in the analysis required by subdivision (c) of Government Code section 65583.2, and the length of time between receiving approval for a housing development and submittal of an application for building permits for that housing development that hinder the construction of a locality's share of the regional housing need in accordance with Government Code section 65584. (Gov. Code, § 65583, subd. (a)(6).)</i></p> <p><u>Developed Densities and Permit Times:</u> The element must be revised to include analysis of requests to develop housing at densities below those anticipated, and the length of time between receiving approval for a housing development and submittal of an application for building permits that potentially hinder the construction of a locality's share of the regional housing need.</p>	(Explanation will be provided to HCD)

26	<p><i>6. Analyze any special housing needs such as 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, § 65583, subd. (a)(7).)</i></p> <p>While the element quantifies some of the Town's special needs populations, it must also analyze their special housing needs. The element must also quantify the number of the elderly and large households. For a complete analysis of each population group, the element should discuss challenges faced by the population, the existing resources to meet those needs (availability senior housing units, # of large units, # of deed restricted units, etc.), an assessment of any gaps in resources, and proposed policies, programs, and funding to help address those gaps.</p>	<p>Further analysis added to Section 2, Housing Needs, subsection Large Households</p> <p>In looking at the data again, only 2.1% of the housing stock is small multi-family (48 units), while 29% of the pop is over 65 (1,336 ppl). This shows we don't have the small units to meet the possible demand of our older population. Do we need to say more about this?</p>
27	<p>C. Housing Programs</p> <p><i>1. Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake 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, and the utilization of appropriate federal and state financing and subsidy programs when available. The program shall include an identification of the agencies and officials responsible for the implementation of the various actions. (Gov. Code, § 65583, subd. (c).)</i></p> <p>Programs must demonstrate that they will have a beneficial impact within the planning period. Beneficial impact means specific commitment to deliverables, measurable metrics or objectives, definitive deadlines, dates, or benchmarks for implementation. Deliverables should occur early in the planning period to ensure actual housing outcomes. To address the program requirements of Gov. Code section 65583, subd. (c)(1-6), and to facilitate implementation, programs must include: (1) specific actions the local government will take during the planning period; (2) timelines that result in beneficial impacts within the planning period; (3) objectives, quantified where appropriate; and (4) identification of responsible agencies and officials.</p>	<p>Added language to <i>Section 7, Goals, Policies and Programs</i> clarify and solidify objectives and timeframes for programs throughout. Deliverables are generally early in the planning period in order to allow time for outcomes to occur.</p>
28	<p>Additionally, all programs should be evaluated to ensure meaningful and specific actions and objectives. Programs containing unclear language (e.g., "Evaluate"; "Consider"; "Encourage"; etc.) should be amended to include more specific and measurable actions. Programs to be revised include, but are not limited to, Programs 1-1-4, 2-1. 3-2, 4-1, 4-2, 4-3, 4-4, and 6-3.</p>	<p>Programs have been updated to provide more clarity and specificity.</p>
29	<p><u>Transitional Housing and Supportive Housing:</u> The element must include a program to amend the zoning ordinance to permit transitional and supportive housing as a residential use in all zones allowing residential uses and only subject to those restrictions that apply to other residential dwellings of the same type in the same zone. (Gov. Code, § 65583, subd. (c)(3).) For additional information, see the Building Blocks' at https://www.hcd.ca.gov/zoning-for-a-variety-of-housing-types and HCD's SB 2 memo at http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sb2_memo050708.pdf.</p>	<p>This code amendment has already been completed so no program is necessary.</p>
30	<p><u>Developmental Disabilities:</u> The element must include a program to assist in the development of housing for persons with developmental disabilities (SB 812). Program actions could include proactive outreach and assistance to non-profit service providers and developers, prioritizing some funding for housing developments affordable to special needs households and offering financial incentives or regulatory concessions to encourage a variety of housing types.</p>	<p>Added new Policy 9 and program 9-1 to <i>Section 7, Goals, Policies and Programs</i> to assist in the development of housing for persons with developmental disabilities.</p>
31	<p><i>2. 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</i></p>	<p>Language has been added to <i>Section 6, Sites</i> describing the Opt-In Housing Program in more detail, to <i>Section 7, Goals, Policies and Programs</i> describing various ADU</p>

	<p><i>that portion of the town's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Government Code section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing.</i> (Gov. Code, § 65583, subd. (c)(1).)</p> <p>As noted in Finding B3, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the Town may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types.</p>	<p>programs, and to <i>Section 4, Constraints</i>, describing the inclusion of updated Emergency Shelter language in the new Multi-family zoning standards.</p>
32	<p><u>Programs 1-1, 1-2, 1-3:</u> These programs currently have a timeframe for completion of January 2031. Because these programs are required to accommodate the RHNA, pursuant to Government Code section 65583 (c)(1)(A) rezones must be completed within three years from the date of adoption.</p> <p>For your information, if rezones are completed after January 31, 2023, the element must also demonstrate Program 1-1 complies with the requirements of Government Code section 65583.2, subdivisions (h) and (i). For example, while the element indicates the residential capacity of the rezoned sites, it must also demonstrate the rezoned sites have a site capacity of at least 16 units, permit rental and owner multifamily development without discretionary review at minimum densities of at least 16 or 20 dwelling units per acre, and that at least at least 50 percent of the very low and low-income housing need shall be accommodated on sites designated for exclusive residential uses or on sites zoned for mixed uses that accommodate all of the very low and low-income housing need, if those sites allow 100 percent residential use and require that residential use occupy 50 percent of the total floor area of a mixed-use project. For additional information, go to https://www.hcd.ca.gov/hcd-memos.</p>	<p><i>Section 7, Goals, Policies and Programs</i> updated to reflect completion timeframe for programs 1-1, 1-2 and 1-3.</p>
33	<p><u>Program 1-4:</u> The program should be revised to describe incentives for the Affiliated Housing Program and as stated above, include a program to monitor development of sites within the Affiliated Housing Program. In addition, the municipal code update should occur sooner in the planning period to have a beneficial impact.</p>	<p>Updated Program 1-4 to increase monitoring and clarify when code amendments will be done.</p>
34	<p><i>3. The Housing Element shall contain programs which assist in the development of adequate housing to meet the needs of extremely low-, very low-, low- and moderate-income households.</i> (Gov. Code, § 65583, subd. (c)(2).)</p> <p><u>Extremely Low-Income Program (ELI):</u> While the element includes programs to assist in the development of very low-, low-, and moderate-income households, it must also include a program(s) to assist in the development of housing affordable households. Programs must be revised or added to the element to assist in the development of housing for ELI households. Program actions could include prioritizing some funding for housing developments affordable to ELI households and offering financial incentives or regulatory concessions to encourage the development of housing types, such as multifamily, single-room occupancy (SRO) units, to address the identified housing needs for ELI households. For additional information, see the Building Blocks at https://www.hcd.ca.gov/extremely-low-income-housing-needs.</p>	<p>Added language to <i>Section 4, Adequate Sites</i> under subheading Non-Vacant Underutilized Sites describing RFP process for Ford Field site and Town's control over number and type of low income and/or special needs units to be developed. The Town will require that 50 low income units be developed, with 5% set aside for extremely low income and/or special needs. If supportive housing is proposed, the Town will waive fees and expedite permit review, as was done with Willow Commons.</p> <p>Program 1-1, New Gateway Land Use Classification, describes how the site will allow for affordable housing. Program 3-1, Initiate Site Planning Process in Gateway, provides for pursuing an affordable housing project on the site.</p>

35	<p><i>4. 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. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. (Gov. Code, § 65583, subd. ©(3).)</i></p> <p>As noted in Finding B4 and B-5, the element requires a complete analysis of potential governmental and nongovernmental constraints. Depending upon the results of that analysis, the Town may need to revise or add programs and address and remove or mitigate any identified constraints.</p>	<p>Language in <i>Section 7, Goals, Policies and Programs</i> has been updated to reflect responses to comments on constraints. See responses to Comments 16-24.</p>
36	<u>Program 4-1:</u> This program should be revised to include specific details of the new parking requirements for affordable housing.	
37	<u>Program 4-4:</u> This program should be revised to clarify that the zoning regulations and objective standards will facilitate the development of residential units at the densities proposed.	Program 4-4 removed and language integrated into other programs.
38	Pursuant to conversations with staff, the Town's density bonus may be out of date with state law. The element should include a program to update the ordinance accordingly.	Updated Program 4-2 in <i>Section 7, Goals, Policies and Programs</i> to include annual assessment of Density Bonus Law and regular reviews of Affiliated Housing Program
39	<p><i>5. The Housing Element shall include programs to conserve and improve the condition of the existing affordable housing stock. (Gov. Code, § 65583, subd. ©(4).)</i></p> <p><u>Conserve and Improve:</u> The element must include a program(s) to conserve and improve the condition of the existing stock, which may include addressing the loss of dwelling units. A program could provide grants for substantial rehabilitation, provide matching grants for homeowner improvements, or implement proactive code enforcement program.</p>	<p>The Housing Element includes multiple programs which support the conservation and improvement of housing units within Portola Valley (described in <i>Section 7, Goals, Policies, and Programs</i>):</p> <ul style="list-style-type: none"> • 7.2 ADU Amnesty program. Added language clarifying that, once legalized, previously unpermitted ADUs could then be improved via building permits from the Town. The Town's existing ADU Ambassador program can help spread the word about the Amnesty program. The Town estimates that 15 ADUs will be rehabilitated through the Amnesty Program (Table 7-2). • 7.3 Building Division support for JADU construction. The Town will provide property owners with direct assistance in making minor changes to accommodate a JADU. If rented, a new JADU would provide an income stream to the homeowner, which could be used for home improvements to their existing home. <p>In addition, Portola Valley's Home Hardening Ordinance, which is already in effect, incorporates specific building requirements into the Town municipal code that improves the fire safety of buildings by "hardening" them against fire. Where implemented, these home hardening elements will help preserve the home, by improving the likelihood that a home will survive a wildfire.</p> <p>Finally, it is worth noting that Portola Valley's high land values and high-income levels make it extremely unlikely that a home will fall into disrepair, become uninhabitable, or sit vacant. Further discussion on this topic can be found in <i>Section 2, Housing Needs</i>, under subsection Housing Condition.</p>
40	<i>6. 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 characteristics protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of</i>	Added language to relevant policies in <i>Section 7, Goals, Policies, and Programs</i> describing which contributing factors from Table 3-1: Summary Matrix of Fair Housing Issues and Actions would be addressed by any given policy, in order to more

<p><i>Division 3 of Title 2), Section 65008, and any other state and federal fair housing and planning law. (Gov. Code, § 65583, subd. ©(5).)</i></p> <p>Goals and actions must significantly seek to overcome contributing factors to fair housing issues. Currently, the element identifies programs to encourage and promote affordable housing; however, most of these programs do not appear to facilitate any meaningful change nor address affirmatively furthering fair housing requirements. Furthermore, the element must include metrics and milestones for evaluating progress on programs, actions, and fair housing results and include geographic targeting as appropriate. Given that most of the Town is considered a highest resource community, the element could focus on programs that center on place-based strategies for economic and community revitalization, protecting residents from disaster-driven and investment-driven displacement, and enhancing housing mobility to encourage the development of more housing choices and affordable housing. Programs also should be based on identified contributing factors, be significant and meaningful. The element must add, and revise programs based on a complete analysis and listing and prioritization of contributing factors to fair housing issues. For example, the Town could consider is tying Program 8-7 towards actions to improve nongovernmental constraints such as mortgage acceptance rates. For more information, please see HCD's guidance at https://www.hcd.ca.gov/community-development/affh/index.shtml.</p>	<p>clearly draw a through line from fair housing contributing factors to the Town's Policies and Programs.</p>
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2022 Housing Element Statutory Provisions Checklist

Section 65583

Government Code Provision	Housing Element Compliance
The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing.	Sec. 7: Goals, Policies, Programs
The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, mobilehomes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community.	Sec. 5: Resources (Regulatory Resources) Sec. 6: Adequate Sites (Sites Inventory) Sec. 7: Goals, Policies, Programs
The element shall contain all of the following:	Noted
(a) An assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs. The assessment and inventory shall include all of the following:	Noted
(a)(1) An analysis of population and employment trends and documentation of projections	Sec. 2: Housing Needs Assessment (Portola Valley Population Characteristics and Trends)
(a)(1) A quantification of the locality's existing and projected housing needs for all income levels, including extremely low income households, as defined in subdivision (b) of Section 50105 and Section 50106 of the Health and Safety Code. These existing and projected needs shall include the locality's share of the regional housing need in accordance with Section 65584. Local agencies shall calculate the subset of very low income households allotted under Section 65584 that qualify as extremely low income households. The local agency may either use available census data to calculate the percentage of very low income households that qualify as extremely low income households or presume that 50 percent of the very low income households qualify as extremely low income households. The number of extremely low income households and very low income households shall equal the jurisdiction's allocation of very low income households pursuant to Section 65584.	Sec. 2: Housing Needs Assessment (Portola Valley Population Characteristics and Trends); (Special Needs Population) Sec. 3 Affirmatively Furthering Fair Housing (Primary Findings) Sec. 6 Adequate Sites (Regional Housing Needs Allocation (RHNA))

Government Code Provision	Housing Element Compliance
(a)(2) An analysis and documentation of household characteristics, including level of payment compared to ability to pay,	Sec. 3 Affirmatively Furthering Fair Housing (Primary Findings)
(a)(2) housing characteristics, including overcrowding, and	Sec. 2: Housing Needs Assessment (Portola Valley Population Characteristics and Trends)
(a)(2) housing stock condition.	Sec. 2: Housing Needs Assessment (Portola Valley Population Characteristics and Trends)
(a)(3) An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites, and an analysis of the relationship of the sites identified in the land inventory to the jurisdiction's duty to affirmatively further fair housing. Note: Please see Section 65583.2 regarding the land inventory.	Sec. 6: Adequate Sites
<p><i>[Note that AB 2339 (Chapter 654, Statutes of 2022) amended Section 65583(a)(4). It does not apply to ABAG-area housing elements unless the first draft of the housing element is submitted to ABAG after January 31, 2023 or a draft is submitted after April 1, 2023. Therefore the sections below include the statutory provisions of Section 65583(a)(4) effective in 2022. Jurisdictions adopting their housing element after January 1, 2023 should describe why AB 2339 is not applicable to them.]</i></p>	
(a)(4)(A) The identification of a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. The identified zone or zones shall include sufficient capacity to accommodate the need for emergency shelter identified in paragraph (7), except that each local government shall identify a zone or zones that can accommodate at least one year-round emergency shelter.	Noted
(a)(4)(A) If the local government cannot identify a zone or zones with sufficient capacity, the local government shall include a program to amend its zoning ordinance to meet the requirements of this paragraph within one year of the adoption of the housing element. The local government may identify additional zones where emergency shelters are permitted with a conditional use permit.	Noted

(a)(4)(A) The local government shall also demonstrate that existing or proposed permit processing, development, and management standards are objective and encourage and facilitate the development of, or conversion to, emergency shelters.

Noted

Government Code Provision	Housing Element Compliance
<p>(a)(4)(A) Emergency shelters may only be subject to those development and management standards that apply to residential or commercial development within the same zone except that a local government may apply written, objective standards that include all of the following:</p> <ul style="list-style-type: none"> (i) The maximum number of beds or persons permitted to be served nightly by the facility. (ii) Sufficient parking to accommodate all staff working in the emergency shelter, provided that the standards do not require more parking for emergency shelters than other residential or commercial uses within the same zone. (iii) The size and location of exterior and interior onsite waiting and client intake areas. (iv) The provision of onsite management. (v) The proximity to other emergency shelters, provided that emergency shelters are not required to be more than 300 feet apart. (vi) The length of stay. (vii) Lighting. (viii) Security during hours that the emergency shelter is in operation. 	Noted
<p>(a)(4)(B) The permit processing, development, and management standards applied under this paragraph shall not be deemed to be discretionary acts within the meaning of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).</p>	Noted
<p>(a)(4)(C) A local government that can demonstrate to the satisfaction of the department the existence of one or more emergency shelters either within its jurisdiction or pursuant to a multijurisdictional agreement that can accommodate that jurisdiction's need for emergency shelter identified in paragraph (7) may comply with the zoning requirements of subparagraph (A) by identifying a zone or zones where new emergency shelters are allowed with a conditional use permit.</p>	Noted
<p>(a)(4)(D) A local government with an existing ordinance or ordinances that comply with this paragraph shall not be required to take additional action to identify zones for emergency shelters. The housing element must only describe how existing ordinances, policies, and standards are consistent with the requirements of this paragraph.</p>	Noted
<p>(a)(5) An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and [Note: The types of housing identified in Section 65583(c)(1) include multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing.]</p>	Sec. 4: Constraints (Governmental Regulations and Constraints)
<p>(a)(5) for persons with disabilities as identified in the analysis pursuant to paragraph (7),</p>	Sec. 4: Constraints (Governmental Regulations and Constraints)
<p>(a)(5) including land use controls,</p>	Sec. 4: Constraints (Governmental

	Regulations and Constraints)
(a)(5) building codes and their enforcement,	Sec. 4: Constraints (Governmental Regulations and Constraints)

Government Code Provision	Housing Element Compliance
(a)(5) site improvements,	Sec. 4: Constraints (Governmental Regulations and Constraints)
(a)(5) fees and other exactions required of developers,	Sec. 4: Constraints (Governmental Regulations and Constraints)
(a)(5) local processing and permit procedures,	Sec. 4: Constraints (Governmental Regulations and Constraints)
(a)(5) and any locally adopted ordinances that directly impact the cost and supply of residential development.	Sec. 3: Affirmatively Furthering Fair Housing (Contributing Factors and Fair Housing Action Plan)
(a)(5) The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Section 65584	Sec. 3: Affirmatively Furthering Fair Housing (Contributing Factors and Fair Housing Action Plan)
(a)(5) and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7).	Sec. 4: Constraints (Governmental Regulations and Constraints) Sec. 5 Resources (Regulatory Resources)
(a)(6) An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing,	Sec. 4: Constraints (Non-Governmental Constraints); (Non-Governmental Constraints Specific to Portola Valley) Sec. 5 Resources (Regulatory Resources)
(a)(6) the price of land,	Sec. 4: Constraints (Non-Governmental Constraints)
(a)(6) the cost of construction,	Sec. 4: Constraints (Non-Governmental Constraints)

(a)(6) the requests to develop housing at densities below those anticipated in the analysis required by subdivision (c) of Section 65583.2,	Sec. 6 Adequate Sites (Sites Inventory)
(a)(6) and the length of time between receiving approval for a housing development and submittal of an application for building permits for that housing development that hinder the construction of a locality's share of the regional housing need in accordance with Section 65584.	Sec. 4: Constraints (Governmental Regulations and Constraints)
(a)(6) The analysis shall also demonstrate local efforts to remove nongovernmental constraints that create a gap between the locality's planning for the development of housing for all income levels and the construction of that housing.	Sec. 3: Affirmatively Furthering Fair Housing (Contributing Factors and Fair Housing Action Plan) Sec. 7: Goals, Policies, Programs
(a)(7) An analysis of any special housing needs, such as those of the	Sec. 2: Housing Needs Assessment
(a)(7) elderly;	Sec. 2: Housing Needs Assessment (Portola Valley Population Characteristics and Trends); (Special Needs Population)
(a)(7) persons with disabilities, including a developmental disability, as defined in Section 4512 of the Welfare and Institutions Code;	Sec. 2: Housing Needs Assessment (Portola Valley Population Characteristics and Trends); (Special Needs Population)
(a)(7) large families;	Sec. 2: Housing Needs Assessment (Portola Valley Population Characteristics and Trends); (Special Needs Population)
(a)(7) farmworkers;	Sec. 2: Housing Needs Assessment (Special Needs Population)
(a)(7) families with female heads of households;	Sec. 2: Housing Needs Assessment (Special Needs Population)
(a)(7) and families and persons in need of emergency shelter.	Sec. 2: Housing Needs Assessment (Special Needs Population)

Government Code Provision	Housing Element Compliance
(a)(7) The need for emergency shelter shall be assessed based on the capacity necessary to accommodate the most recent homeless point-in-time count conducted before the start of the planning period, the need for emergency shelter based on number of beds available on a year-round and seasonal basis, the number of shelter beds that go unused on an average monthly basis within a one-year period, and the percentage of those in emergency shelters that move to permanent housing solutions.	Sec. 2: Housing Needs Assessment (Special Needs Population)
(a)(7) The need for emergency shelter may be reduced by the number of supportive housing units that are identified in an adopted 10-year plan to end chronic homelessness and that are either vacant or for which funding has been identified to allow construction during the planning period.	Noted – not applicable to Portola Valley
(a)(7) An analysis of special housing needs by a city or county may include an analysis of the need for frequent user coordinated care housing services.	Noted – not applicable to Portola Valley
(a)(8) An analysis of opportunities for energy conservation with respect to residential development. Cities and counties are encouraged to include weatherization and energy efficiency improvements as part of publicly subsidized housing rehabilitation projects. This may include energy efficiency measures that encompass the building envelope, its heating and cooling systems, and its electrical system.	Sec. 5: (Resources Regulatory Resources)
(a)(9) An analysis of existing assisted housing developments that are eligible to change from low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of restrictions on use. "Assisted housing developments," for the purpose of this section, shall mean multifamily rental housing that receives governmental assistance under federal programs listed in subdivision (a) of Section 65863.10, state and local multifamily revenue bond programs, local redevelopment programs, the federal Community Development Block Grant Program, or local in-lieu fees. "Assisted housing developments" shall also include multifamily rental units that were developed pursuant to a local inclusionary housing program or used to qualify for a density bonus pursuant to Section 65915.	Noted – not applicable to Portola Valley
(a)(9)(A) The analysis shall include a listing of each development by project name and address, the type of governmental assistance received, the earliest possible date of change from low-income use, and the total number of elderly and nonelderly units that could be lost from the locality's low-income housing stock in each year during the 10-year period. For purposes of state and federally funded projects, the analysis required by this subparagraph need only contain information available on a statewide basis.	Noted – not applicable to Portola Valley
(a)(9)(B) The analysis shall estimate the total cost of producing new rental housing that is comparable in size and rent levels, to replace the units that could change from low-income use, and an estimated cost of preserving the assisted housing developments. This cost analysis for replacement housing may be done aggregate for each five-year period and does not have to contain a project-by-project cost estimate.	Noted – not applicable to Portola Valley

Government Code Provision	Housing Element Compliance
(a)(9)(C) The analysis shall identify public and private nonprofit corporations known to the local government that have legal and managerial capacity to acquire and manage these housing developments.	Noted – not applicable to Portola Valley
(a)(9)(D) The analysis shall identify and consider the use of all federal, state, and local financing and subsidy programs that can be used to preserve, for lower income households, the assisted housing developments, identified in this paragraph, including, but not limited to, federal Community Development Block Grant Program funds, tax increment funds received by a redevelopment agency of the community, and administrative fees received by a housing authority operating within the community. In considering the use of these financing and subsidy programs, the analysis shall identify the amounts of funds under each available program that have not been legally obligated for other purposes and that could be available for use in preserving assisted housing developments.	Noted – not applicable to Portola Valley
(b)(1) 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.	Sec. 7: Goals, Policies, Programs
(b)(2) It is recognized that the total housing needs identified pursuant to subdivision (a) may exceed available resources and the community's ability to satisfy this need within the content of the general plan requirements outlined in Article 5 (commencing with Section 65300). Under these circumstances, the quantified objectives need not be identical to the total housing needs. The quantified objectives shall establish the maximum number of housing units by income category, including extremely low income, that can be constructed, rehabilitated, and conserved over a five-year time period.	Sec. 7: Goals, Policies, Programs
(c) A program that sets forth a schedule of actions during the planning period, each with a timeline for implementation, that may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element	Sec. 7: Goals, Policies, Programs
(c) through the administration of land use and development controls,	Sec. 7: Goals, Policies, Programs
(c) the provision of regulatory concessions and incentives,	Sec. 7: Goals, Policies, Programs
(c) the utilization of appropriate federal and state financing and subsidy programs when available,	Sec. 5 Resources (Financial Resources) Sec. 7: Goals, Policies, Programs
(c) and the utilization of moneys in a low- and moderate-income housing fund of an agency if the locality has established a redevelopment project area pursuant to the Community Redevelopment Law (Division 24 (commencing with Section 33000) of the Health and Safety Code).	Noted – not applicable to Portola Valley

In order to make adequate provision for the housing needs of all economic segments of the community, the program shall do all of the following:

Noted

Government Code Provision	Housing Element Compliance
(c)(1) 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 city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Section 65584.09.	Sec. 7: Goals, Policies, Programs
(c)(1) Sites shall be identified as needed to affirmatively further fair housing	Sec. 3 Affirmatively Furthering Fair Housing (Contributing Factors and Fair Housing Action Plan) Sec. 7: Goals, Policies, Programs
(c)(1) and to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing,	Sec. 6 Adequate Sites (Site Inventory Methodology) Sec. 7: Goals, Policies, Programs
(c)(1) factory-built housing,	Specific program not required to comply with Section 65584.09
(c)(1) mobilehomes,	Sec. 6 Adequate Sites (Adequate Sites)
(c)(1) housing for agricultural employees,	Specific program not required to comply with Section 65584.09
(c)(1) supportive housing,	Sec. 7: Goals, Policies, Programs
(c)(1) single-room occupancy units,	Specific program not required to comply with Section 65584.09
(c)(1) emergency shelters,	Specific program not required to comply with Section 65584.09
(c)(1) and transitional housing.	Specific program not required to comply with Section 65584.09

(c)(1)(A) Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, rezoning of those sites, including adoption of minimum density and development standards, for jurisdictions with an eight-year housing element planning period pursuant to Section 65588, shall be completed no later than three years after either the date the housing element is adopted pursuant to subdivision (f) of Section 65585 or the date that is 90 days after receipt of comments from the department pursuant to subdivision (b) of Section 65585, whichever is earlier, unless the deadline is extended pursuant to subdivision (f). Notwithstanding the foregoing, for a local government that fails to adopt a housing element that the department has found to be in substantial compliance with this article within 120 days of the statutory deadline in Section 65588 for adoption of the housing element, rezoning of those sites, including adoption of minimum density and development standards, shall be completed no later than one year from the statutory deadline in Section 65588 for adoption of the housing element.

Noted – not applicable to Portola Valley

(c)(1)(B) Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, the program shall identify sites that can be developed for housing within the planning period pursuant to subdivision (h) of Section 65583.2. The identification of sites shall include all components specified in Section 65583.2. Note: Please see Section 65583.2 regarding the land inventory and conformance with subdivision (h).

Noted – not applicable to Portola Valley

Government Code Provision	Housing Element Compliance
(c)(1)(C) Where the inventory of sites pursuant to paragraph (3) of subdivision (a) does not identify adequate sites to accommodate the need for farmworker housing, the program shall provide for sufficient sites to meet the need with zoning that permits farmworker housing use by right, including density and development standards that could accommodate and facilitate the feasibility of the development of farmworker housing for low- and very low income households.	Noted
(c)(2) Assist in the development of adequate housing to meet the needs of extremely low, very low, low-, and moderate-income households.	Sec. 6 Adequate Sites (Sites Inventory) Sec. 7: Goals, Policies, Programs
(c)(3) 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	Sec. 7: Goals, Policies, Programs
(c)(3) and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities.	Sec. 7: Goals, Policies, Programs
(c)(3) Transitional housing and supportive housing shall be considered a residential use of property and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.	Sec. 7: Goals, Policies, Programs
(c)(3) Supportive housing, as defined in Section 65650, shall be a use by right in all zones where multifamily and mixed uses are permitted, as provided in Article 11 (commencing with Section 65650).	Sec. 7: Goals, Policies, Programs
(c)(4) 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.	Sec. 7: Goals, Policies, Programs
(c)(5) 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 characteristics protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2), Section 65008, and any other state and federal fair housing and planning law.	Sec. 7: Goals, Policies, Programs
(c)(6) Preserve for lower income households the assisted housing developments identified pursuant to paragraph (9) of subdivision (a).	Noted – not applicable to Portola Valley
(c)(6) The program for preservation of the assisted housing developments shall utilize, to the extent necessary, all available federal, state, and local financing and subsidy programs identified in paragraph (9) of subdivision (a), except where a community has other urgent needs for which alternative funding sources are not available.	Noted – not applicable to Portola Valley

(c)(6) The program may include strategies that involve local regulation and technical assistance.

Noted – not
applicable to Portola
Valley

Government Code Provision	Housing Element Compliance
(c)(7) Develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent, as defined in Section 50053 of the Health and Safety Code, for very low, low-, or moderate-income households. For purposes of this paragraph, “accessory dwelling units” has the same meaning as “accessory dwelling unit” as defined in paragraph (4) of subdivision (i) of Section 65852.2.\	Sec. 6 Adequate Sites (Credit Towards RHNA) Sec. 7: Goals, Policies, Programs
(c)(8) Include an identification of 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.	Sec. 7: Goals, Policies, Programs
(c)(9) Include 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.	Appendix A: Community Engagement
(c)(10)(A) Affirmatively further fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2. The program shall include an assessment of fair housing in the jurisdiction that shall include all of the following components:	Noted
(c)(10)(A)(i) A summary of fair housing issues in the jurisdiction	Sec. 3: Affirmatively Furthering Fair Housing Appendix C: Portola Valley Fair Housing Assessment (8. Contributing Factors and Fair Housing Action Plan)
(c)(10)(A)(i) and an assessment of the jurisdiction’s fair housing enforcement and fair housing outreach capacity.	Sec. 3: Affirmatively Furthering Fair Housing (Primary Findings) Appendix C: Portola Valley Fair Housing Assessment (3. Fair Housing Enforcement and Outreach Capacity)
(c)(10)(A)(ii) An analysis of available federal, state, and local data and knowledge to identify integration and segregation patterns and trends,	Sec. 3: Affirmatively Furthering Fair Housing (Primary Findings) Sec. 6 Adequate Sites (Sites Inventory) Appendix C: Portola Valley

	Fair Housing Assessment (2. Introduction and Primary Findings); (4. Integration and Segregation)
(c)(10)(A)(ii) racially or ethnically concentrated areas of poverty and affluence,	Sec. 3: Affirmatively Furthering Fair Housing (Primary Findings) Appendix C: Portola Valley Fair Housing Assessment (4. Integration and Segregation)
(c)(10)(A)(ii) disparities in access to opportunity,	Sec. 3 Affirmatively Furthering Fair Housing (Primary Findings); (Contributing Factors and Fair Housing Action Plan) Sec. 6 Adequate Sites (Sites Inventory) Appendix C: Portola Valley Fair Housing Assessment (5. Access to Opportunity)
(c)(10)(A)(ii) and disproportionate housing needs,	Sec. 3 Affirmatively Furthering Fair Housing (Special Needs Population); (Primary Findings) Sec. 6 Adequate Sites (Sites Inventory) Appendix C: Portola Valley Fair Housing Assessment (6. Disproportionate Housing Needs)
(c)(10)(A)(ii) including displacement risk.	Sec. 3 Affirmatively Furthering Fair Housing (Primary Findings) Appendix C: Portola Valley

	Fair Housing Assessment (6. Disproportionate Housing Needs)
(c)(10)(A)(ii) The analysis shall identify and examine such patterns, trends, areas, disparities, and needs, both within the jurisdiction.	Sec. 3 Affirmatively Furthering Fair Housing (Primary Findings) Appendix C: Portola Valley Fair Housing Assessment (6. Disproportionate Housing Needs)
(c)(10)(A)(ii) and comparing the jurisdiction to the region in which it is located, based on race and other characteristics protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2) and Section 65008.	Sec. 3 Affirmatively Furthering Fair Housing (Primary Findings) Appendix C: Portola Valley Fair Housing Assessment (6. Disproportionate Housing Needs)
(c)(10)(A)(iii) An assessment of the contributing factors, including the local and regional historical origins	Sec. 3 Affirmatively Furthering Fair Housing (Primary Findings) Appendix C: Portola Valley Fair Housing Assessment (6. Disproportionate Housing Needs)
(c)(10)(A)(iii) and current policies and practices, for the fair housing issues identified under clauses (i) and (ii).	Sec. 3 Affirmatively Furthering Fair Housing (Primary Findings) Appendix C: Portola Valley Fair Housing Assessment (6. Disproportionate Housing Needs)

Government Code Provision	Housing Element Compliance
(c)(10)(A)(iv) An identification of the jurisdiction's fair housing priorities and goals, giving highest priority to those factors identified in clause (iii) that limit or deny fair housing choice or access to opportunity, or negatively impact fair housing or civil rights compliance,	Sec. 3 Affirmatively Furthering Fair Housing (Contributing Factors and Fair Housing Action Plan) Appendix C: Portola Valley Fair Housing Assessment (8. Contributing Factors and Fair Housing Action Plan)
(c)(10)(A)(iv) and identifying the metrics and milestones for determining what fair housing results will be achieved.	Sec. 3 Affirmatively Furthering Fair Housing (Contributing Factors and Fair Housing Action Plan) Appendix C: Portola Valley Fair Housing Assessment (8. Contributing Factors and Fair Housing Action Plan)
(c)(10)(A)(v) Strategies and actions to implement those priorities and goals, which may include, but are not limited to, enhancing mobility strategies	Sec. 3 Affirmatively Furthering Fair Housing (Contributing Factors and Fair Housing Action Plan) Appendix C: Portola Valley Fair Housing Assessment (8. Contributing Factors and Fair Housing Action Plan)
(c)(10)(A)(v) and encouraging development of new affordable housing in areas of opportunity,	Sec. 3 Affirmatively Furthering Fair Housing (Contributing Factors and Fair Housing Action Plan) Appendix C: Portola Valley

	Fair Housing Assessment (8. Contributing Factors and Fair Housing Action Plan)
(c)(10)(A)(v) as well as place-based strategies to encourage community revitalization, including preservation of existing affordable housing,	Sec. 3 Affirmatively Furthering Fair Housing (Contributing Factors and Fair Housing Action Plan) Appendix C: Portola Valley Fair Housing Assessment (8. Contributing Factors and Fair Housing Action Plan)
(c)(10)(A)(v) and protecting existing residents from displacement.	Sec. 3 Affirmatively Furthering Fair Housing (Contributing Factors and Fair Housing Action Plan) Appendix C: Portola Valley Fair Housing Assessment (8. Contributing Factors and Fair Housing Action Plan)
(c)(10)(B) A jurisdiction that completes or revises an assessment of fair housing pursuant to Subpart A (commencing with Section 5.150) of Part 5 of Subtitle A of Title 24 of the Code of Federal Regulations, as published in Volume 80 of the Federal Register, Number 136, page 42272, dated July 16, 2015, or an analysis of impediments to fair housing choice in accordance with the requirements of Section 91.225 of Title 24 of the Code of Federal Regulations in effect before August 17, 2015, may incorporate relevant portions of that assessment or revised assessment of fair housing or analysis or revised analysis of impediments to fair housing into its housing element.	Sec. 3 Affirmatively Furthering Fair Housing (Primary Findings) Appendix C: Portola Valley Fair Housing Assessment
(c)(10)(C) The requirements of this paragraph shall apply to housing elements due to be revised pursuant to Section 65588 on or after January 1, 2021.	Noted
(d)(1) A local government may satisfy all or part of its requirement to identify a zone or zones suitable for the development of emergency shelters pursuant to paragraph (4) of subdivision (a) by adopting and implementing a multijurisdictional agreement, with a maximum of two other adjacent communities, that requires the participating jurisdictions to develop at least one year-round emergency shelter within two years of the beginning of the planning period.	Noted – not applicable to Portola Valley

<p>(d)(2) The agreement shall allocate a portion of the new shelter capacity to each jurisdiction as credit toward its emergency shelter need, and each jurisdiction shall describe how the capacity was allocated as part of its housing element.</p>	<p>Noted – not applicable to Portola Valley</p>
<p>(d)(3) Each member jurisdiction of a multijurisdictional agreement shall describe in its housing element all of the following:</p>	<p>Noted – not applicable to Portola Valley</p>
<p>(d)(3)(A) How the joint facility will meet the jurisdiction's emergency shelter need. (d)(3)(B) The jurisdiction's contribution to the facility for both the development and ongoing operation and management of the facility. (d)(3)(C) The amount and source of the funding that the jurisdiction contributes to the facility.</p>	<p>Noted – not applicable to Portola Valley</p>

Government Code Provision	Housing Element Compliance
(d)(4) The aggregate capacity claimed by the participating jurisdictions in their housing elements shall not exceed the actual capacity of the shelter.	Noted – not applicable to Portola Valley
(e) Except as otherwise provided in this article, amendments to this article that alter the required content of a housing element shall apply to both of the following: [Note that this provision is applicable to AB 2339 (Chapter 654, Statutes of 2022), which amended Section 65583(a)(4). Jurisdictions adopting their housing element after January 1, 2023 should describe why this amendment is not applicable to them.]	No applicable amendments
(1) A housing element or housing element amendment prepared pursuant to subdivision (e) of Section 65588 or Section 65584.02, when a city, county, or city and county submits a draft to the department for review pursuant to Section 65585 more than 90 days after the effective date of the amendment to this section.	No applicable amendments
(2) Any housing element or housing element amendment prepared pursuant to subdivision (e) of Section 65588 or Section 65584.02, when the city, county, or city and county fails to submit the first draft to the department before the due date specified in Section 65588 or 65584.02.	No applicable amendments
(f) – (j): Not applicable	N/A

Section 65583.1(a)

Government Code Provision	Housing Element Compliance
(a) The Department of Housing and Community Development, in evaluating a proposed or adopted housing element for substantial compliance with this article, ... may also allow a city or county to identify sites for accessory dwelling units based on the number of accessory dwelling units 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.	Sec. 6 Adequate Sites (Credit Towards RHNA) Sec. 7: Goals, Policies, Programs
(b) Sites that contain permanent housing units located on a military base undergoing closure or conversion as a result of action pursuant to the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526), the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510), or any subsequent act requiring the closure or conversion of a military base may be identified as an adequate site if the housing element demonstrates that the housing units will be available for occupancy by households within the planning period of the element. No sites containing housing units scheduled or planned for demolition or conversion to nonresidential uses shall qualify as an adequate site.	Noted – not applicable to Portola Valley
Note: If communities are using the provisions of Section 65583.1(c), which allow RHNA credit for conversion of non-affordable to affordable housing and for preservation of existing affordable housing at risk of loss, the applicable provisions need to be added to this table.	Noted – not applicable to Portola Valley

Section 65583.2

Government Code Provision	Housing Element Compliance
(a) A city's or county's inventory of land suitable for residential development pursuant to paragraph (3) of subdivision (a) of Section 65583 shall be used to identify sites throughout the community, consistent with paragraph (10) of subdivision (c) of Section 65583,	Sec. 6: Adequate Sites (Sites Inventory)
(a) that can be developed for housing within the planning period and that are sufficient to provide for the jurisdiction's share of the regional housing need for all income levels pursuant to Section 65584. As used in this section, "land suitable for residential development" includes all of the following sites that meet the standards set forth in subdivisions (c) and (g):	Sec. 6: Adequate Sites (Sites Inventory)
(a)(1) Vacant sites zoned for residential use.	Sec. 6: Adequate Sites (Sites Inventory)
(a)(2) Vacant sites zoned for nonresidential use that allows residential development.	Sec. 6: Adequate Sites (Sites Inventory)
(a)(3) Residentially zoned sites that are capable of being developed at a higher density, including sites owned or leased by a city, county, or city and county	Sec. 6: Adequate Sites (Sites Inventory Methodology), (Sites Inventory)
(a)(4) Sites zoned for nonresidential use that can be redeveloped for residential use, and for which the housing element includes a program to rezone the site, as necessary, rezoned for, to permit residential use, including sites owned or leased by a city, county, or city and county.	Sec. 6: Adequate Sites (Sites Inventory)
(b) The inventory of land shall include all of the following:	Sec. 6: Adequate Sites
(b)(1) A listing of properties by assessor parcel number.	Sec. 6: Adequate Sites (Sites Inventory)
(b)(2) The size of each property listed pursuant to paragraph (1), and the general plan designation and zoning of each property.	Sec. 6: Adequate Sites (Sites Inventory)
(b)(3) For nonvacant sites, a description of the existing use of each property.	Sec. 6: Adequate Sites (Sites Inventory)
(b)(3) If a site subject to this paragraph is owned by the city or county, the description shall also include whether there are any plans to dispose of the property during the planning period and how the city or county will comply with Article 8 (commencing with Section 54220) of Chapter 5 of Part 1 of Division 2 of Title 5.	Sec. 6: Adequate Sites (Sites Inventory)
(b)(4) A general description of any environmental constraints to the development of housing within the jurisdiction, the documentation for which has been made available to the jurisdiction. This information need not be identified on a site-specific basis.	Sec. 4: Constraints (Non-Governmental Constraints Specific to Portola Valley)

(b)(5)(A) A description of existing or planned water, sewer, and other dry utilities supply, including the availability and access to distribution facilities.

Sec. 4: Constraints
(Governmental
Regulations and
Constraints)

Sec. 6 Adequate Sites
(Site Inventory
Methodology)

Government Code Provision	Housing Element Compliance
(b)(5)(B) Parcels included in the inventory must have sufficient water, sewer, and dry utilities supply available and accessible to support housing development or be included in an existing general plan program or other mandatory program or plan, including a program or plan of a public or private entity providing water or sewer service, to secure sufficient water, sewer, and dry utilities supply to support housing development. This paragraph does not impose any additional duty on the city or county to construct, finance, or otherwise provide water, sewer, or dry utilities to parcels included in the inventory.	Sec. 4: Constraints (Governmental Regulations and Constraints)
(b)(6) Sites identified as available for housing for above moderate-income households in areas not served by public sewer systems. This information need not be identified on a site-specific basis.	Sec. 4: Constraints (Governmental Regulations and Constraints)
(b)(7) A map that shows the location of the sites included in the inventory, such as the land use map from the jurisdiction's general plan, for reference purposes only.	Sec. 6: Adequate Sites (Sites Inventory)
(c) Based on the information provided in subdivision (b), a city or county shall determine whether each site in the inventory can accommodate the development of some portion of its share of the regional housing need by income level during the planning period, as determined pursuant to Section 65584. The inventory shall specify for each site the number of units that can realistically be accommodated on that site and whether the site is adequate to accommodate lower income housing, moderate-income housing, or above moderate-income housing.	Sec. 6: Adequate Sites (Sites Inventory) Appendix E: Sites Inventory Spreadsheet
(c) A nonvacant site identified pursuant to paragraph (3) or (4) of subdivision (a) in a prior housing element and a vacant site that has been included in two or more consecutive planning periods that was not approved to develop a portion of the locality's housing need shall not be deemed adequate to accommodate a portion of the housing need for lower income households that must be accommodated in the current housing element planning period unless the site is zoned at residential densities consistent with paragraph (3) of this subdivision and the site is subject to a program in the housing element requiring rezoning within three years of the beginning of the planning period to allow residential use by right for housing developments in which at least 20 percent of the units are affordable to lower income households. An unincorporated area in a nonmetropolitan county pursuant to clause (ii) of subparagraph (B) of paragraph (3) shall not be subject to the requirements of this subdivision to allow residential use by right.	Noted – not applicable to Portola Valley
(c) Notwithstanding the foregoing, for a local government that fails to adopt a housing element that the department has found to be in substantial compliance with state law within 120 days of the statutory deadline in Section 65588 for adoption of the housing element, rezoning pursuant to this subdivision shall be completed no later than one year from the statutory deadline in Section 65588 for adoption of the housing element.	Noted – not applicable to Portola Valley
(c) The analysis shall determine whether the inventory can provide for a variety of types of housing, including multifamily rental housing,	Sec. 5 Resources (Regulatory Resources)

Government Code Provision	Housing Element Compliance
(c) factory-built housing, mobilehomes,	Sec. 5 Resources (Regulatory Resources)
(c) housing for agricultural employees, supportive housing,	Sec. 5 Resources (Regulatory Resources)
(c) single-room occupancy units,	Sec. 5 Resources (Regulatory Resources)
(c) emergency shelters, and	Sec. 5 Resources (Regulatory Resources)
(c) transitional housing	Sec. 5 Resources (Regulatory Resources)
(c) and whether the inventory affirmatively furthers fair housing .	Sec. 3 Affirmatively Furthering Fair Housing (Contributing Factors and Fair Housing Action Plan) Sec. 6 Adequate Sites (Site Inventory Methodology) Appendix C: Portola Valley Fair Housing Assessment (Sites Inventory Analysis)
(c) The city or county shall determine the number of housing units that can be accommodated on each site as follows:	Noted
(c)(1) If local law or regulations require the development of a site at a minimum density, the department shall accept the planning agency's calculation of the total housing unit capacity on that site based on the established minimum density. If the city or county does not adopt a law or regulation requiring the development of a site at a minimum density, then it shall demonstrate how the number of units determined for that site pursuant to this subdivision will be accommodated.	Sec. 6 Adequate Sites (Sites Inventory)
(c)(2) The number of units calculated pursuant to paragraph (1) shall be adjusted as necessary, based on the land use controls and site improvements requirement identified in paragraph (5) of subdivision (a) of Section 65583,	Sec. 6 Adequate Sites (Sites Inventory)
(c)(2) the realistic development capacity for the site,	Sec. 6 Adequate Sites (Sites Inventory)

(c)(2) typical densities of existing or approved residential developments at a similar affordability level in that jurisdiction,	Sec. 6 Adequate Sites (Sites Inventory)
(c)(2) and on the current or planned availability and accessibility of sufficient water, sewer, and dry utilities.	Sec. 6 Adequate Sites (Sites Inventory)
(c)(2)(A) A site smaller than half an acre shall not be deemed adequate to accommodate lower income housing need unless the locality can demonstrate that sites of equivalent size were successfully developed during the prior planning period for an equivalent number of lower income housing units as projected for the site or unless the locality provides other evidence to the department that the site is adequate to accommodate lower income housing.	Sec. 6 Adequate Sites (Sites Inventory)
(c)(2)(B) A site larger than 10 acres shall not be deemed adequate to accommodate lower income housing need unless the locality can demonstrate that sites of equivalent size were successfully developed during the prior planning period for an equivalent number of lower income housing units as projected for the site or unless the locality provides other evidence to the department that the site can be developed as lower income housing.	Sec. 6 Adequate Sites (Sites Inventory)
(c)(2)(B) For purposes of this subparagraph, “site” means that portion of a parcel or parcels designated to accommodate lower income housing needs pursuant to this subdivision.	Sec. 6 Adequate Sites (Sites Inventory)

Government Code Provision	Housing Element Compliance
(c)(2)(C) A site may be presumed to be realistic for development to accommodate lower income housing need if, at the time of the adoption of the housing element, a development affordable to lower income households has been proposed and approved for development on the site.	Sec. 6 Adequate Sites (Sites Inventory)
(c)(3) For the number of units calculated to accommodate its share of the regional housing need for lower income households pursuant to paragraph (2), a city or county shall do either of the following:	Noted
(c)(3)(A) Provide an analysis demonstrating how the adopted densities accommodate this need. The analysis shall include, but is not limited to, factors such as market demand, financial feasibility, or information based on development project experience within a zone or zones that provide housing for lower income households.	Sec. 6 Adequate Sites (Sites Inventory)
<p>(c)(3)(B) The following densities shall be deemed appropriate to accommodate housing for lower income households:</p> <ul style="list-style-type: none"> (i) For an incorporated city within a nonmetropolitan county and for a nonmetropolitan county that has a micropolitan area: sites allowing at least 15 units per acre. (ii) For an unincorporated area in a nonmetropolitan county not included in clause (i): sites allowing at least 10 units per acre. (iii) For a suburban jurisdiction: sites allowing at least 20 units per acre. (iv) For a jurisdiction in a metropolitan county: sites allowing at least 30 units per acre. 	Sec. 6 Adequate Sites (Sites Inventory)
(4)(A) For a metropolitan jurisdiction:	Noted – not applicable to Portola Valley
(4)(A)(i) At least 25 percent of the jurisdiction's share of the regional housing need for moderate-income housing shall be allocated to sites with zoning that allows at least 4 units of housing, but not more than 100 units per acre of housing.	Sec. 6 Adequate Sites (Sites Inventory)
(4)(A)(ii) At least 25 percent of the jurisdiction's share of the regional housing need for above moderate-income housing shall be allocated to sites with zoning that allows at least 4 units of housing.	Sec. 6 Adequate Sites (Sites Inventory)
<p>(B) The allocation of moderate-income and above moderate-income housing to sites pursuant to this paragraph shall not be a basis for the jurisdiction to do either of the following:</p> <ul style="list-style-type: none"> (i) Deny a project that does not comply with the allocation. (ii) Impose a price minimum, price maximum, price control, or any other exaction or condition of approval in lieu thereof. This clause does not prohibit a jurisdiction from imposing any price minimum, price maximum, price control, exaction, or condition in lieu thereof, pursuant to any other law. (iii) The provisions of this subparagraph do not constitute a change in, but are declaratory of, existing law with regard to the allocation of sites pursuant to this section. 	Sec. 6 Adequate Sites (Sites Inventory)
(C) This paragraph does not apply to an unincorporated area.	Noted

(D) For purposes of this paragraph:

Noted

Government Code Provision	Housing Element Compliance
(i) "Housing development project" has the same meaning as defined in paragraph (2) of subdivision (h) of Section 65589.5.	Noted
(ii) "Unit of housing" does not include an accessory dwelling unit or junior accessory dwelling unit that could be approved pursuant to Section 65852.2 or Section 65852.22 or through a local ordinance or other provision implementing either of those sections. This paragraph shall not limit the ability of a local government to count the actual production of accessory dwelling units or junior accessory dwelling units in an annual progress report submitted pursuant to Section 65400 or other progress report as determined by the department.	Noted
(E) Nothing in this subdivision shall preclude the subdivision of a parcel, provided that the subdivision is subject to the Subdivision Map Act (Division 2 (commencing with Section 66410)) or any other applicable law authorizing the subdivision of land.	Noted
(d) For purposes of this section, a metropolitan county, nonmetropolitan county, and nonmetropolitan county with a micropolitan area shall be as determined by the United States Census Bureau. A nonmetropolitan county with a micropolitan area includes the following counties: Del Norte, Humboldt, Lake, Mendocino, Nevada, Tehama, and Tuolumne and other counties as may be determined by the United States Census Bureau to be nonmetropolitan counties with micropolitan areas in the future.	Noted
(e)(1) Except as provided in paragraph (2), a jurisdiction shall be considered suburban if the jurisdiction does not meet the requirements of clauses (i) and (ii) of subparagraph (B) of paragraph (3) of subdivision (c) and is located in a Metropolitan Statistical Area (MSA) of less than 2,000,000 in population, unless that jurisdiction's population is greater than 100,000, in which case it shall be considered metropolitan. A county, not including the City and County of San Francisco, shall be considered suburban unless the county is in an MSA of 2,000,000 or greater in population in which case the county shall be considered metropolitan.	Noted
(2)(A)(i) Notwithstanding paragraph (1), if a county that is in the San Francisco-Oakland-Fremont California MSA has a population of less than 400,000, that county shall be considered suburban. If this county includes an incorporated city that has a population of less than 100,000, this city shall also be considered suburban. This paragraph shall apply to a housing element revision cycle, as described in subparagraph (A) of paragraph (3) of subdivision (e) of Section 65588, that is in effect from July 1, 2014, to December 31, 2028, inclusive.	Noted
(2)(A)(ii) A county subject to this subparagraph shall utilize the sum existing in the county's housing trust fund as of June 30, 2013, for the development and preservation of housing affordable to low- and very low income households.	Noted

Government Code Provision	Housing Element Compliance
(2)(B) A jurisdiction that is classified as suburban pursuant to this paragraph shall report to the Assembly Committee on Housing and Community Development, the Senate Committee on Housing, and the Department of Housing and Community Development regarding its progress in developing low- and very low income housing consistent with the requirements of Section 65400. The report shall be provided three times: once, on or before December 31, 2019, which report shall address the initial four years of the housing element cycle, a second time, on or before December 31, 2023, which report shall address the subsequent four years of the housing element cycle, and a third time, on or before December 31, 2027, which report shall address the subsequent four years of the housing element cycle and the cycle as a whole. The reports shall be provided consistent with the requirements of Section 9795.	Noted
(f) A jurisdiction shall be considered metropolitan if the jurisdiction does not meet the requirements for “suburban area” above and is located in an MSA of 2,000,000 or greater in population, unless that jurisdiction’s population is less than 25,000 in which case it shall be considered suburban. (g)(1) For sites described in paragraph (3) of subdivision (b) [non-vacant sites], the city or county shall specify the additional development potential for each site within the planning period and shall provide an explanation of the methodology used to determine the development potential.	Noted
(g)(1) The methodology shall consider factors including the extent to which existing uses may constitute an impediment to additional residential development,	Sec. 6 Adequate Sites (Sites Inventory)
(g)(1) the city’s or county’s past experience with converting existing uses to higher density residential development,	Sec. 6 Adequate Sites (Site Inventory Methodology)
(g)(1) the current market demand for the existing use,	Sec. 6 Adequate Sites (Site Inventory Methodology); (Sites Inventory)
(g)(1) an analysis of any existing leases or other contracts that would perpetuate the existing use or prevent redevelopment of the site for additional residential development,	Sec. 6 Adequate Sites (Site Inventory Methodology); (Sites Inventory)
(g)(1) development trends,	Sec. 4 Constraints (Non-Governmental Constraints) Sec. 6 Adequate Sites (Site Inventory Methodology); (Sites Inventory)
(g)(1) market conditions,	Sec. 4 Constraints (Non-Governmental Constraints) Sec. 6 Adequate Sites

	(Site Inventory Methodology); (Sites Inventory)
(g)(1) and regulatory or other incentives or standards to encourage additional residential development on these sites.	Sec. 5 Resources (Regulatory Resources) Sec. 6 Adequate Sites (Site Inventory Methodology); (Sites Inventory)
(g)(2) In addition to the analysis required in paragraph (1), when a city or county is relying on nonvacant sites described in paragraph (3) of subdivision (b) to accommodate 50 percent or more of its housing need for lower income households, the methodology used to determine additional development potential shall demonstrate that the existing use identified pursuant to paragraph (3) of subdivision (b) does not constitute an impediment to additional residential development during the period covered by the housing element. An existing use shall be presumed to impede additional residential development, absent findings based on substantial evidence that the use is likely to be discontinued during the planning period.	Noted – not applicable to Portola Valley

Government Code Provision	Housing Element Compliance
(g)(3) Notwithstanding any other law, and in addition to the requirements in paragraphs (1) and (2), sites that currently have residential uses, or within the past five years have had residential uses that have been vacated or demolished, that are or were subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of low or very low income, subject to any other form of rent or price control through a public entity's valid exercise of its police power, or occupied by low or very low income households, shall be subject to a policy requiring the replacement of all those units affordable to the same or lower income level as a condition of any development on the site. Replacement requirements shall be consistent with those set forth in paragraph (3) of subdivision (c) of Section 65915.	Sec. 6 Adequate Sites (Site Inventory Methodology); (Sites Inventory)
(h) The program required by subparagraph (A) of paragraph (1) of subdivision (c) of Section 65583 shall accommodate 100 percent of the need for housing for very low and low-income households allocated pursuant to Section 65584 for which site capacity has not been identified in the inventory of sites pursuant to paragraph (3) of subdivision (a) on sites that shall be zoned to permit owner-occupied and rental multifamily residential use by right for developments in which at least 20 percent of the units are affordable to lower income households during the planning period.	Sec. 6 Adequate Sites (Site Inventory Methodology); (Sites Inventory)
(h) These sites shall be zoned with minimum density and development standards that permit at least	Sec. 6 Adequate Sites (Site Inventory Methodology); (Sites Inventory)
(h) 16 units per site at a density of at least 16 units per acre in jurisdictions described in clause (i) of subparagraph (B) of paragraph (3) of subdivision (c),	Sec. 6 Adequate Sites (Site Inventory Methodology); (Sites Inventory)
(h) shall be at least 20 units per acre in jurisdictions described in clauses (iii) and (iv) of subparagraph (B) of paragraph (3) of subdivision (c)	Sec. 6 Adequate Sites (Site Inventory Methodology); (Sites Inventory)
(h) and shall meet the standards set forth in subparagraph (B) of paragraph (5) of subdivision (b).	Sec. 6 Adequate Sites (Site Inventory Methodology); (Sites Inventory)
(h) At least 50 percent of the very low and low-income housing need shall be accommodated on sites designated for residential use and for which nonresidential uses or mixed uses are not permitted, except that a city or county may accommodate all of the very low and low-income housing need on sites designated for mixed uses if those sites allow 100 percent residential use and require that residential use occupy 50 percent of the total floor area of a mixed-use project.	Sec. 6 Adequate Sites (Site Inventory Methodology); (Sites Inventory)

(i) For purposes of this section and Section 65583, the phrase “use by right” shall mean that the local government’s review of the owner-occupied or multifamily residential use may not require a conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a “project” for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code. Any subdivision of the sites shall be subject to all laws, including, but not limited to, the local government ordinance implementing the Subdivision Map Act.

Sec. 6 Adequate Sites
(Site Inventory
Methodology); (Sites
Inventory)

Government Code Provision	Housing Element Compliance
(i) A local ordinance may provide that “use by right” does not exempt the use from design review. However, that design review shall not constitute a “project” for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code.	Noted
(i) Use by right for all rental multifamily residential housing shall be provided in accordance with subdivision (f) of Section 65589.5.	Noted
(j) Notwithstanding any other provision of this section, within one-half mile of a Sonoma-Marin Area Rail Transit station, housing density requirements in place on June 30, 2014, shall apply.	Noted – does not apply to Portola Valley

Section 65583.3

Government Code Provision	Housing Element Compliance
<p>(a) For a housing element or amendment adopted on or after January 1, 2021, the planning agency shall submit to the department an electronic copy of its inventory of land suitable for residential development developed pursuant to paragraph (3) of subdivision (a) of Section 65583 and subdivision (b) of this section with the copy of its housing element or amendment submitted pursuant to subdivision (g) of Section 65585. The local government shall ensure, to the best of its knowledge, that the inventory of land submitted to the department is true and correct.</p> <p>(b) Notwithstanding subdivision (a) of Section 65301, each local government shall prepare the inventory required under paragraph (3) of subdivision (a) of Section 65583 using standards, forms, and definitions adopted by the department.</p>	Sec. 6 Adequate Sites (Sites Inventory)

**Housing Element Errata
Changes to Draft #3
Considered by Town Council March 29, 2023**

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 setback and rear setback shall be 15 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. <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 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	The Opt-In Housing Program will be initiated via a call for projects	The Opt-In Housing Program will be initiated via a call for projects

<p>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>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 one public meeting 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>
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**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 3-20 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 will 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.
- 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 2023. Establish a working group by 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 January 2025. Issue Request for Proposals to affordable housing developers by September 2025. Develop 50 very low-income units.

Time Frame: Issue RFP by September 2025.

Responsible Agency: Planning & Building Department

Financing Source: General Fund and Affordable Housing Trust Fund

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.

RESOLUTION NO. 2023 - 1

RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF PORTOLA VALLEY RECOMMENDING THAT THE PORTOLA VALLEY TOWN COUNCIL ADOPT 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 attached hereto 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 in the February 15, 2023 Staff Report.

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.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the Town of Portola Valley hereby recommends the Town Council adopt the IS-MND, the Updated Response to Comments and Text Changes, and the Mitigation Monitoring and Reporting Plan (MMRP), prepared for the Portola Valley Housing and Safety Elements Update and Conforming General Plan and Zoning Code Amendments Project based on the following findings:

1. The IS-MND, which is attached as Exhibit A, has 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 Planning Commission 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 Planning Commission hereby recommends 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. The list of recommended project design features is set forth in Exhibit A.

BE IT FURTHER RESOLVED that the Planning Commission hereby recommends 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 here as Exhibit B.

Passed and Adopted at the regular meeting of the Planning Commission of the Town of Portola Valley on February 15, 2023.

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

ATTEST:

Laura Russell
Laura Russell, Planning and Building Director

ATTACHMENT
Proposed Project Design Features

Subject	Project Design Feature	Basis
Local CEQA Guidelines and Thresholds <i>(Mitigation Measure)</i>	Within [TIME] months of the adoption of the Housing Element, Council shall direct the updating, within [TIME] months of such direction, of the Town CEQA Guidelines with a focus on public engagement and establish local thresholds of significance concerning: Aesthetics; Parks and Recreation; Public Services; and Wildfires.	Each municipality is required to establish CEQA Guidelines per 14 CCR Section 15022. Public agencies, including, municipalities are further encouraged to establish local significance thresholds. 14 CCR Section 15064.7(b). These thresholds should not be inconsistent with CEQA Guidance Appendix G. The proposed measure would help clarify and standardize analysis and decision-making in the environmental review process. Development of Guidelines and significance thresholds would further help ensure that project-level environmental assessments address and evaluate impacts and develop mitigation measures with the benefit of public engagement.
General Plan, Zoning, Design Review <i>(Mitigation Measure)</i>	Within [TIME] months from adoption of the Housing Element, Council shall establish a review group, with support of Staff, for the purpose of (1) further ensuring consistency and fidelity to Town General Plan and ethos of development in harmony with the natural environment; and (2) establishing for approval by the Town Council objective design criteria consistent with Town design guidelines.	Review of the General Plan and zoning following adoption of the Housing Element should be conducted to help ensure fidelity to Town ethos and to ensure consistency within the General Plan and between the General Plan and zoning code. Objective standards can promote maintenance of community design and character, while adhering to state requirements that streamline development of affordable housing and associated projects. They clarify local requirements, increasing regulatory certainty; and they respond to local conditions. Objective criteria must also be considered in the implementation of a number of recent housing statutes, including, but not limited to: <u>SB 167 (Housing Accountability Act)</u> . Prohibition on denial, reduction of density, or making infeasible housing projects consistent with objective design standards. <u>SB 35 (Streamlined Affordable Housing)</u> . Require approval of qualified housing projects based on objective standards. <u>SB 9 (California Home Act)</u> . Requiring approval of lot splits for applications meeting objective criteria.
Housing Inventory	Within [TIME] months of the adoption of the Housing Element, Council shall establish a workgroup, with	The draft Housing Element (August 2022) provides for commencement of the Ford Park site planning process in January 2024 with "Request for Proposals" to affordable housing developers by September 2024.

<p><i>(Housing Element Program)</i></p>	<p>support of Staff, to: (1) evaluate and propose "Sunrise" opportunity sites to Council within [TIME] months of adoption of the Housing Element; and (2) initiate planning efforts for future housing cycles.</p>	<p>Members of the Planning Commission have observed that tension exist between the General Plan and associated planning documents, on the one hand, and the development of the Dorothy Ford Park, including removal of two 400 year old oak trees, on the other. Similar issues and community sentiment have been expressed with respect to the Glenn Oaks property. Therefore, the recommendation was made to evaluate alternative development options.</p> <p>Additionally, potential housing sites have been suggested proximate to Portola Road and other locations. Members of the Ad Hoc Housing Element Committee observed that development complexities, in light of time constraints, make these sites appropriate for consideration in the anticipated, next Housing cycle. However, they are likely not available for inclusion for development in the current housing cycle.</p> <p>Forming a housing inventory evaluation workgroup holds the potential of reducing policy and land use tensions if alternative sites can be timely identified. It is also anticipated that initiating workgroup evaluation, at the earliest possible time, would allow for thoughtful, least impactful planning for the present and future housing cycles.</p>
<p>Safety <i>(Mitigation Measure)</i></p>	<p>Upon the approval of the Housing Element, Council shall establish a workgroup or direct an existing committee, with assistance from staff and support from an outside fire safety consultant, to assess and make recommendations to Council, regarding the effectiveness of, and need for modification of, evacuation routes and plans, and building codes. Final recommendations shall be provided to Council within [TIME] of the adoption of applicable fire maps and General Plan Safety Element. Recommendations shall take into consideration projected</p>	<p>Applicable fire maps and the General Plan Safety Element have not yet been finalized or adopted. Coordinating evacuation routes, the Safety Element, and fire maps with housing element will further protect and maintain public safety and property in light of projected growth.</p>

	population growth and shall incorporate current best practices.	
Encourage Community and Civic Engagement <i>(Housing Element Program)</i>	Within [TIME] months of adoption of the Housing Element Council shall direct the Emergency Preparedness Committee and such other committee(s) as may be desired to encourage coordination of civic organizations (e.g., HOAs, religious organizations) to identify approaches and implement housing production, and risk reduction, and resiliency measures that may be taken independent of, or in coordination with Town activities.	Civic organizations have shown an ability to respond to the needs of the most vulnerable in Town and to plan for their local community's safety and welfare. They are also likely to play a significant role in the creation of future housing opportunities, either in the review of development plans or as a project sponsor.
Services and Infrastructure <i>(Housing Element Program)</i>	Work with service providers to identify, analyze, and plan for services and infrastructure needs based on anticipated increased population and housing to maintain the current quality of service.	The draft Housing Element identifies that "[the infrastructure and level of public services in the Town is geared to a small, dispersed population." (page 4). The IS/MND identifies, among other things, no significant impacts to: public services, parks and recreation, safety, and utility service systems.
Finance <i>(Housing Element Program)</i>	[Intentionally Deleted]	

Exhibit B

Key Approaches for Fire Safety Town of Portola Valley

- Keep and expand progressive prevention policies in the 2010 Safety Element
- Pursue widening roads
- Establish multiple access and egress routes
- Meet Cal Fire Minimum Fire Safe Regulations
- Conduct site specific individuated Wildfire Hazard Assessment Plans
- Build to Chapter 7A (and 337 Residential Code) with local amendments
- Enhance construction methods and materials to be noncombustible
- Limit exposure to flammable materials
- Increase defensible space standards around structures
- Adopt new requirements for fuel breaks in parcels in the SRA and LRA areas within the District
- Town adopt a map indicating the High and Very High Severity Zones
- Revisit the ADU and SB9 Fire Safety Checklist and consider adoption of appropriate ordinances(s)
- Educate the public on key fire safety issues

**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

STATE OF CALIFORNIA - BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT****DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500
 Sacramento, CA 95833
 (916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov

Exhibit A - HCD Letter

November 9, 2022

Laura Russel, Planning & Building Director
 Town of Portola Valley
 765 Portola Road,
 Portola Valley, CA 94028

Dear Laura Russell:

RE: The Town of Portola Valley's 6th Cycle (2023-2031) Draft Housing Element

Thank you for submitting the Town of Portola Valley's (Town) draft housing element received for review on August 11, 2022. Pursuant to Government Code section 65585, subdivision (b), the California Department of Housing and Community Development (HCD) is reporting the results of its review. Our review was facilitated by a conversation November 7, 2022 with you, Jeremy Dennis, Adrienne Smith, and consultants Cara Silver, Arly Dolbakian, Carla Violet, and Curtis Banks. In addition, HCD considered comments from Greenbelt Alliance and YIMBY LAW, pursuant to Government Code section 65585, subdivision (c).

The draft element addresses many statutory requirements; however, revisions will be necessary to comply with State Housing Element Law (Article 10.6 of the Gov. Code). The enclosed Appendix describes these, and other revisions needed to comply with State Housing Element Law.

For your information, pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), if a local government fails to adopt a compliant housing element within 120 days of the statutory deadline (January 31, 2023), then any rezoning to accommodate the regional housing needs allocation (RHNA), including for lower-income households, shall be completed no later than one year from the statutory deadline. Otherwise, the local government's housing element will no longer comply with State Housing Element Law, and HCD may revoke its finding of substantial compliance pursuant to Government Code section 65585, subdivision (i). Please be aware, if the Town fails to adopt a compliant housing element within one year from the statutory deadline, the element cannot be found in substantial compliance until rezones to accommodate a shortfall of sites pursuant to Government Code section 65583, subdivision (c), paragraph (1), subparagraph (A) and Government Code section 65583.2, subdivision (c) are completed.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element

process, the Town should continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate. Please be aware, any revisions to the element must be posted on the local government's website and to email a link to all individuals and organizations that have previously requested notices relating to the local government's housing element at least seven days before submitting to HCD.

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the Town to consider timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at:
<https://www.opr.ca.gov/planning/general-plan/guidelines.html>.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant; the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities programs; and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the Town meets housing element requirements for these and other funding sources.

HCD is committed to assisting the Town in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Molivann Phlong, of our staff, at Molivann.Phlong@hcd.ca.gov.

Sincerely,



Melinda Coy
Proactive Housing Accountability Chief

Enclosure

APPENDIX TOWN OF PORTOLA VALLEY

The following changes are necessary to bring the Town's housing element into compliance with Article 10.6 of the Government Code. Accompanying each recommended change, we cite the supporting section of the Government Code.

Housing element technical assistance information is available on HCD's website at <https://www.hcd.ca.gov/hcd-memos>. Among other resources, the housing element section contains HCD's latest technical assistance tool, *Building Blocks for Effective Housing Elements (Building Blocks)*, available at <https://www.hcd.ca.gov/building-blocks> and includes the Government Code addressing State Housing Element Law and other resources.

A. Review and Revision

Review the previous element to evaluate the appropriateness, effectiveness, and progress in implementation, and reflect the results of this review in the revised element. (Gov. Code, § 65588 (a) and (b).)

The review requirement is one of the most important features of the element update. The review of past programs should analyze the Town's accomplishments over the previous planning period. This information provides the basis for developing a more effective housing program.

As part of the evaluation of programs in the past cycle, the element must provide an explanation of the effectiveness of goals, policies, and related actions in meeting the housing needs of special needs populations (e.g., elderly, persons with disabilities, large households, female-headed households, farmworkers, and persons experiencing homelessness).

B. Housing Needs, Resources, and Constraints

1. *Affirmatively further[ing] fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2...shall include an assessment of fair housing in the jurisdiction (Gov. Code, § 65583, subd. (c)(10)(A))*

Integration and Segregation: The element includes some data on integration and segregation at the regional and local level; however, the element must also analyze segregation and integration of familial status and persons with disabilities, including a discussion of patterns and trends over time.

Racial/Ethnic Areas of Concentration of Areas of Affluence (RCAA): The element includes information relative to Racially and Ethnically Concentrated Areas of Poverty (R/ECAP) but should also address concentrated areas of affluence. The combination of the R/ECAP and areas of affluence analyses will help guide goals and actions to address fair housing issues. The analysis should evaluate the patterns and changes

over time at a local (e.g., neighborhood to neighborhood) and regional level (e.g., Town to region).

Disproportionate housing needs and Displacement Risk: The element does include data on overcrowded households, substandard housing conditions, but it must also analyze the cost burdened and extreme cost burdened rates for owner households.

Site Inventory: The Town is predominantly a highest resource category according to TCAC/HCD Opportunity Maps and is predominantly higher income. Sites should be analyzed in relationships to any RCAA identified. The element should also include specific analysis of the Town compared to the region and should formulate policies and programs to promote an inclusive community. For example, the Town should consider additional actions (not limited to the Regional Housing Needs Allocation (RHNA) to promote housing mobility and improve new housing opportunities throughout the Town.

Contributing Factors: The element must prioritize contributing factors to fair housing issues, giving highest priority to those factors that most limit or deny fair housing choice or access to opportunity or negatively impact fair housing or civil rights compliance. Contributing factors create, contribute to, perpetuate, or increase the severity of fair housing issues and are fundamental to adequate goals and actions. Examples include community opposition to affordable housing, housing discrimination, land use and zoning laws, lack of regional cooperation, location and type or lack of affordable housing and lack of public or private investment in areas of opportunity or affordable housing choices. The analysis shall result in strategic approaches to inform and connect goals and actions to mitigate contributing factors to affordable housing.

2. *Include an analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition. (Gov. Code, § 65583, subd. (a)(2).)*

While the element identifies the total number of overpaying households, it must quantify and analyze the number of overpaying lower-income households by tenure (i.e., renter and owner). For additional information and sample analysis, see the Building Blocks at <https://www.hcd.ca.gov/hcd-memos>.

3. *An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, § 65583, subd. (a)(3).)*

The Town has a RHNA of 253 housing units, of which 115 are for lower-income households. To address this need, the element relies on pipeline projects, Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs), an Opt-in-Single-Family Rezoning Program and adopting three new zoning districts to allow multifamily dwellings. To demonstrate the adequacy of these sites and strategies to accommodate the Town's RHNA, the element must include complete analyses:

Pipeline Projects: The Town's RHNA may be reduced by the number of new units built since July 1, 2022. The element indicates 17 units affordable to low-income households are pending in the Willow Commons and Standford Wedge projects but must also demonstrate the affordability of the units. Specifically, the element must assign these units to the various income groups based on actual or anticipated sales price or rent level of the units or other mechanisms ensuring affordability (e.g., deed-restrictions) and demonstrate their availability in the planning period. For units in the pipeline, the element should describe the status of the application, required entitlements, and anticipated date of approval.

Realistic Capacity: While the element provides assumptions of buildout for sites included in the inventory, it must also provide support for these assumptions. For example, the element should demonstrate what specific trends, factors, and other evidence led to the assumptions. The estimate of the number of units for each site must be adjusted as necessary, based on the land use controls and site improvements, typical densities of existing or approved residential developments at a similar affordability level in that jurisdiction, and on the current or planned availability and accessibility of sufficient water, sewer, and dry utilities.

Opt-In-Single-Family Rezoning Program: In order to accommodate the remaining need for the above moderate-income RHNA, the town is proposing to develop a program where property owners can opt-in to rezone their parcel to allow for 4 units per acre and a maximum of four dwelling units per lot. The Town is expecting to increase capacity by 12 units. In order to count these proposed unit towards the RHNA, the element must further describe the potential for additional capacity using the Opt-In-Single-Family Rezoning Program within the planning period. This must include reviewing program guidelines and processes, include a description of existing uses, the number of parcels that could apply for the rezone including a sample parcel inventory, a survey or other methodology to show how many parcels would potentially rezone in the planning period, and incentives for property owners to opt into the program. Please be aware, pursuant to Government Code section 65583 (c)(1)(A), rezones to accommodate RHNA must occur within three years from date of adoption of the element. The element should include a program to monitor application of the program to ensure that rezonings have been completed within that timeframe and commit to rezone or amend the housing element to identify additional sites.

Affiliated Housing Sites: The element identifies two sites that will not be rezoned but are anticipated to be developed under the Affiliated Housing Site Program including the 42 Acre Sequoia Housing Site and the Christ Church Affiliated Housing site. The element must include information that demonstrates the potential for development within the planning period including, but not limited to, information on proposed projects within the planning period, analysis on existing uses and whether those existing uses could impede development, and approval procedures (see next section). The element could also include programs that commit to facilitating the development of these properties and commit to monitor production throughout the planning period and if necessary additional actions to identify additional capacity.

ADUs: The element relies on 92 ADUs to accommodate a portion of the Town's RHNA. For your information, HCD records indicate permitted ADUs of 7 in 2018, 7 in 2019 and 3 in 2020. The element should reconcile these numbers and adjust assumptions as appropriate. The element must clarify these ADUs numbers in relationship to the projections, reconcile these numbers and adjust assumptions as appropriate.

Depending on the analysis, the element must commit to monitor ADU production and affordability throughout the planning period and implement additional actions if not meeting target numbers within a specified time period (e.g., within six months). Finally, if necessary, the degree of additional actions should be in stride with the degree of the gap in production and affordability. For example, if actual production and affordability of ADUs is far from anticipated trends, then rezoning or something similar would be an appropriate action. If actual production and affordability is near anticipated trends, then measures like outreach and marketing might be more appropriate.

Environmental Constraints: While the element generally describes a few environmental conditions within the Town (page 68), it must describe any known environmental constraints within the Town that could impact housing development in the planning period. (Gov. Code, § 65583.2, subd. (b).) For additional information and sample analysis, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/site-inventory-analysis/analysis-of-sites-and-zoning.shtml#environmental>.

Sites with Zoning for a Variety of Housing Types:

- Emergency Shelters: The element should describe the development standards of the zone that allows emergency shelters by-right and should provide an analysis of proximity to transportation and services for these sites, hazardous conditions, and any conditions in appropriate for human habitability. Specifically, the element. In addition, the element should describe how emergency shelter parking requirements are in line with AB139/Government Code section 65583, subdivision (a)(4)(A) or include a program to comply with this requirement.
 - ADUs: The element indicates the Town modified its zoning code to ease barriers to the development of ADU's. However, after a cursory review of the Town's ordinance, HCD discovered several areas which were not consistent with State ADU Law. HCD will provide a complete listing of ADU non-compliance issues under a separate cover. As a result, the element should add a program to update the Town's ADU ordinance in order to comply with state law.
4. *An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Government Code section 65584 and from meeting the need for housing for persons*

with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7). (Gov. Code, § 65583, subd. (a)(5).)

Multi-Family Zoning and Mixed-Use Zoning Districts: As stated above, to accommodate the town's RHNA, three new multifamily zoning districts will be created to accommodate 4 units, 6 units, and 20 units per acre respectively. While HCD recognizes that zoning has not yet been created to implement the new zones, the element should generally describe and commit to expectations for development standards in these zones. For example, the element should describe expected height limits, parking, and other standards that will facilitate development at the densities proposed. This is particularly critical because the Town currently does not have any zoning districts that specifically allow for multifamily.

Minimum Density Equals Maximum Density: The element states that the density for the new multifamily district allows 20 dwelling units an acre. However, the element must clarify if the minimum density for the rezone is also the maximum density. The element must analyze this narrow range of density (20 units per acre) as a potential governmental constraint on housing development including potential impacts resulting from site constraints, financial considerations, and other development factors.

Zoning, Development Standards and Fees: The element must clarify compliance with new transparency requirements for posting all zoning, development standards and fees on the Town's website and add a program to address these requirements, if necessary.

Design Review (D-R) Combining District: The element must further describe and analyze the Design Review Combining District and Architectural and Site Control Commission (ASCC). The element must include a description of any guidelines and design criteria, approval procedures, and decision-making criteria, for their impact as potential constraints on housing supply and affordability. For example, the analysis should consider processing and approval procedures and timeframes, level of review, subjectivity of approval findings and any discretionary approval procedures. The element should also indicate if housing under the new multifamily zoning districts will be subject to this procedure. The element must demonstrate these processes are not a constraint or it must include a program(s) to address this permitting requirement, as appropriate.

Affiliated Housing Program: The element identifies two sites within the inventory for potential for development through the Affiliated Housing Program. While the element provides a brief description (page 82), it must include further information and analysis on how projects proposed under this program are approved. For example, what development standards apply to the project, what types of finding are necessary to approve the conditional use permit, standards that are required to opt-in to the program, and other requirements that impact the feasibility of development on sites within the overlay.

Streamlining Provisions: The element must clarify whether there are written procedures for the SB 35 (Chapter 366, Statutes of 2017) Streamlined Ministerial Approval Process and add a program to address these requirements as appropriate.

Building Codes and Enforcement: While the element states that it has adopted the 2019 building code, it must also describe any local amendments to the building code and enforcement of the codes for impacts on housing supply and affordability.

Constraints on Housing for Persons with Disabilities: The element briefly describes its reasonable accommodation measures (page 51). However, the element should describe the process and decision-making criteria such as approval findings and analyze any potential constraints on housing for persons with disabilities.

The element must also address how non-licensed group home facilities that serve seven or more residences is permitted. Zoning and standards should simply implement a barrier-free definition of family instead of subjecting, potentially persons with disabilities, to special regulations. Zoning code regulations that isolate and regulate various types of housing for persons with disabilities based on the number of people and other factors may pose a constraint on housing choice for persons with disabilities. The element should include specific analysis of these and any other constraints for impacts on housing for persons with disabilities and add or modify programs as appropriate.

Water Sewer Priority: For your information, water and sewer service providers must establish specific procedures to grant priority water and sewer service to developments with units affordable to lower-income households. (Gov. Code, § 65589.7.) Local governments are required to immediately deliver the housing element to water and sewer service providers. HCD recommends including a cover memo describing the Town's housing element, including the Town's housing needs and regional housing need. For additional information and sample cover memo, see the Building Blocks at <https://www.hcd.ca.gov/priority-for-water-and-sewer>.

5. *An analysis of 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 anticipated in the analysis required by subdivision (c) of Government Code section 65583.2, and the length of time between receiving approval for a housing development and submittal of an application for building permits for that housing development that hinder the construction of a locality's share of the regional housing need in accordance with Government Code section 65584. (Gov. Code, § 65583, subd. (a)(6).)*

Developed Densities and Permit Times: The element must be revised to include analysis of requests to develop housing at densities below those anticipated, and the length of time between receiving approval for a housing development and submittal of an application for building permits that potentially hinder the construction of a locality's share of the regional housing need.

6. *Analyze any special housing needs such as 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, §*

65583, subd. (a)(7).)

While the element quantifies some of the Town's special needs populations, it must also analyze their special housing needs. The element must also quantify the number of the elderly and large households. For a complete analysis of each population group, the element should discuss challenges faced by the population, the existing resources to meet those needs (availability senior housing units, # of large units, # of deed restricted units, etc.), an assessment of any gaps in resources, and proposed policies, programs, and funding to help address those gaps.

C. Housing Programs

1. *Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake 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, and the utilization of appropriate federal and state financing and subsidy programs when available. The program shall include an identification of the agencies and officials responsible for the implementation of the various actions. (Gov. Code, § 65583, subd. (c).)*

Programs must demonstrate that they will have a beneficial impact within the planning period. Beneficial impact means specific commitment to deliverables, measurable metrics or objectives, definitive deadlines, dates, or benchmarks for implementation. Deliverables should occur early in the planning period to ensure actual housing outcomes. To address the program requirements of Gov. Code section 65583, subd. (c)(1-6), and to facilitate implementation, programs must include: (1) specific actions the local government will take during the planning period; (2) timelines that result in beneficial impacts within the planning period; (3) objectives, quantified where appropriate; and (4) identification of responsible agencies and officials.

Additionally, all programs should be evaluated to ensure meaningful and specific actions and objectives. Programs containing unclear language (e.g., "Evaluate"; "Consider"; "Encourage"; etc.) should be amended to include more specific and measurable actions. Programs to be revised include, but are not limited to, Programs 1-1-4, 2-1, 3-2, 4-1, 4-2, 4-3, 4-4, and 6-3.

Transitional Housing and Supportive Housing: The element must include a program to amend the zoning ordinance to permit transitional and supportive housing as a residential use in all zones allowing residential uses and only subject to those restrictions that apply to other residential dwellings of the same type in the same zone. (Gov. Code, § 65583, subd. (c)(3).) For additional information, see the Building Blocks' at <https://www.hcd.ca.gov/zoning-for-a-variety-of-housing-types> and HCD's SB 2 memo at http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sb2_memo050708.pdf.

Developmental Disabilities: The element must include a program to assist in the development of housing for persons with developmental disabilities (SB 812). Program actions could include proactive outreach and assistance to non-profit service providers and developers, prioritizing some funding for housing developments affordable to special needs households and offering financial incentives or regulatory concessions to encourage a variety of housing types.

2. *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 or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Government Code section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing.*
(Gov. Code, § 65583, subd. (c)(1).)

As noted in Finding B3, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the Town may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types.

Programs 1-1, 1-2, 1-3: These programs currently have a timeframe for completion of January 2031. Because these programs are required to accommodate the RHNA, pursuant to Government Code section 65583 (c)(1)(A) rezones must be completed within three years from the date of adoption.

For your information, if rezones are completed after January 31, 2023, the element must also demonstrate Program 1-1 complies with the requirements of Government Code section 65583.2, subdivisions (h) and (i). For example, while the element indicates the residential capacity of the rezoned sites, it must also demonstrate the rezoned sites have a site capacity of at least 16 units, permit rental and owner multifamily development without discretionary review at minimum densities of at least 16 or 20 dwelling units per acre, and that at least at least 50 percent of the very low and low-income housing need shall be accommodated on sites designated for exclusive residential uses or on sites zoned for mixed uses that accommodate all of the very low and low-income housing need, if those sites allow 100 percent residential use and require that residential use occupy 50 percent of the total floor area of a mixed-use project. For additional information, go to <https://www.hcd.ca.gov/hcd-memos>.

Program 1-4: The program should be revised to describe incentives for the Affiliated Housing Program and as stated above, include a program to monitor development of sites within the Affiliated Housing Program. In addition, the municipal code update should occur sooner in the planning period to have a beneficial impact.

3. *The Housing Element shall contain programs which assist in the development of adequate housing to meet the needs of extremely low-, very low-, low- and moderate-income households. (Gov. Code, § 65583, subd. (c)(2).)*

Extremely Low-Income Program (ELI): While the element includes programs to assist in the development of very low-, low-, and moderate-income households, it must also include a program(s) to assist in the development of housing affordable households. Programs must be revised or added to the element to assist in the development of housing for ELI households. Program actions could include prioritizing some funding for housing developments affordable to ELI households and offering financial incentives or regulatory concessions to encourage the development of housing types, such as multifamily, single-room occupancy (SRO) units, to address the identified housing needs for ELI households. For additional information, see the Building Blocks at <https://www.hcd.ca.gov/extremely-low-income-housing-needs>.

4. *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. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. (Gov. Code, § 65583, subd. (c)(3).)*

As noted in Finding B4 and B-5, the element requires a complete analysis of potential governmental and nongovernmental constraints. Depending upon the results of that analysis, the Town may need to revise or add programs and address and remove or mitigate any identified constraints.

Program 4-1: This program should be revised to include specific details of the new parking requirements for affordable housing.

Program 4-4: This program should be revised to clarify that the zoning regulations and objective standards will facilitate the development of residential units at the densities proposed.

Pursuant to conversations with staff, the Town's density bonus may be out of date with state law. The element should include a program to update the ordinance accordingly.

5. *The Housing Element shall include programs to conserve and improve the condition of the existing affordable housing stock. (Gov. Code, § 65583, subd. (c)(4).)*

Conserve and Improve: The element must include a program(s) to conserve and improve the condition of the existing stock, which may include addressing the loss of dwelling units. A program could provide grants for substantial rehabilitation, provide matching grants for homeowner improvements, or implement proactive code enforcement program.

6. *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 characteristics protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2), Section 65008, and any other state and federal fair housing and planning law. (Gov. Code, § 65583, subd. (c)(5).)*

Goals and actions must significantly seek to overcome contributing factors to fair housing issues. Currently, the element identifies programs to encourage and promote affordable housing; however, most of these programs do not appear to facilitate any meaningful change nor address affirmatively furthering fair housing requirements. Furthermore, the element must include metrics and milestones for evaluating progress on programs, actions, and fair housing results and include geographic targeting as appropriate. Given that most of the Town is considered a highest resource community, the element could focus on programs that center on place-based strategies for economic and community revitalization, protecting residents from disaster-driven and investment-driven displacement, and enhancing housing mobility to encourage the development of more housing choices and affordable housing. Programs also should be based on identified contributing factors, be significant and meaningful. The element must add, and revise programs based on a complete analysis and listing and prioritization of contributing factors to fair housing issues. For example, the Town could consider is tying Program 8-7 towards actions to improve nongovernmental constraints such as mortgage acceptance rates. For more information, please see HCD's guidance at <https://www.hcd.ca.gov/community-development/affh/index.shtml>.

Exhibit B - Response to HCD Letter

Town Comment Number	HCD Comment	Town Response
1	<p>A. Review and Revision</p> <p><i>Review the previous element to evaluate the appropriateness, effectiveness, and progress in implementation, and reflect the results of this review in the revised element. (Gov. Code, § 65588 (a) and (b).)</i></p> <p>The review requirement is one of the most important features of the element update. The review of past programs should analyze the Town's accomplishments over the previous planning period. This information provides the basis for developing a more effective housing program.</p> <p>As part of the evaluation of programs in the past cycle, the element must provide an explanation of the effectiveness of goals, policies, and related actions in meeting the housing needs of special needs populations (e.g., elderly, persons with disabilities, large households, female-headed households, farmworkers, and persons experiencing homelessness).</p>	<p>Added a list of key accomplishments during the 5th Cycle and additional evaluation on the of past programs in meeting the needs of special needs populations to <i>Appendix D, Revised 2015-2023 Housing Element Performance</i>.</p>
2	<p>B. Housing Needs, Resources, and Constraints</p> <p><i>1. Affirmatively further[ing] fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2...shall include an assessment of fair housing in the jurisdiction (Gov. Code, § 65583, subd. (c)(10)(A))</i></p> <p>Integration and Segregation: The element includes some data on integration and segregation at the regional and local level; however, the element must also analyze segregation and integration of familial status and persons with disabilities, including a discussion of patterns and trends over time.</p>	<p>Added data on familial status under <i>Section 3, AFFH, Primary Findings</i> (fifteenth bullet). Data on persons with disabilities can be found in the text under <i>Section 3, AFFH, Primary Findings</i>, (third and second to last bullets) and <i>Appendix C, AFFH, 4.3.3 Disability Status</i>.</p>
3	<p>Racial/Ethnic Areas of Concentration of Areas of Affluence (RCAA): The element includes information relative to Racially and Ethnically Concentrated Areas of Poverty (R/ECAP) but should also address concentrated areas of affluence. The combination of the R/ECAP and areas of affluence analyses will help guide goals and actions to address fair housing issues. The analysis should evaluate the patterns and changes over time at a local (e.g., neighborhood to neighborhood) and regional level (e.g., Town to region).</p>	<p>Added RCAA text in <i>Appendix C, AFFH, 4.3.3 Racially or Ethnically Concentrated Areas of Poverty and Affluence</i> and <i>Section 3, AFFH, Primary Findings</i>.</p>
4	<p>Disproportionate housing needs and Displacement Risk: The element does include data on overcrowded households, substandard housing conditions, but it must also analyze the cost burdened and extreme cost burdened rates for owner households.</p>	<p>Added Figures 3-2: Overpayment by AMI and 3-3: Overpayment by Tenure and additional text to <i>Section 3, AFFH</i> under subheading Primary Findings, and to <i>Appendix C, AFFH, Section 6.2 Cost Burden and Sever Cost Burden</i>.</p>
5	<p>Site Inventory: The Town is predominantly a highest resource category according to TCAC/HCD Opportunity Maps and is predominantly higher income. Sites should be analyzed in relationships to any RCAA identified. The element should also include specific analysis of the Town compared to the region and should formulate policies and programs to promote an inclusive community. For example, the Town should consider additional actions (not limited to the Regional Housing Needs Allocation (RHNA) to promote housing mobility and improve new housing opportunities throughout the Town.</p>	<p>Added text under <i>Appendix C, AFFH, 7.2 Distribution of sites in the Site Inventory</i> and <i>Section 3, AFFH, Primary Findings</i>.</p> <p>Added language to <i>Section 6, Adequate Sites</i> discussing how Sites locations will help address concerns described in <i>Section 3, AFFH</i>.</p>
6	<p>Contributing Factors: The element must prioritize contributing factors to fair housing issues, giving highest priority to those factors that most limit or deny fair housing choice or access to opportunity</p>	<p>Added text in <i>Section 3, AFFH, Table 3-1</i> to denote "low, medium, and high" prioritization of Contributing Factors.</p>

	<p>or negatively impact fair housing or civil rights compliance. Contributing factors create, contribute to, perpetuate, or increase the severity of fair housing issues and are fundamental to adequate goals and actions. Examples include community opposition to affordable housing, housing discrimination, land use and zoning laws, lack of regional cooperation, location and type or lack of affordable housing and lack of public or private investment in areas of opportunity or affordable housing choices. The analysis shall result in strategic approaches to inform and connect goals and actions to mitigate contributing factors to affordable housing.</p>	
7	<p><i>2. Include an analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition. (Gov. Code, § 65583, subd. (a)(2).)</i></p> <p>While the element identifies the total number of overpaying households, it must quantify and analyze the number of overpaying lower-income households by tenure (i.e., renter and owner). For additional information and sample analysis, see the Building Blocks at https://www.hcd.ca.gov/hcd-memos.</p>	<p>Added Figures 3-4 and 3-5 Cost Burden by Income for Owners, and for Renters, respectively, showing overpayment by tenure by income level to <i>Section 3, AFFH</i> under subsection Primary Findings. Added analysis of data.</p>
8	<p><i>3. An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, § 65583, subd. (a)(3).)</i></p> <p>The Town has a RHNA of 253 housing units, of which 115 are for lower-income households. To address this need, the element relies on pipeline projects, Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs), an Opt-in-Single-Family Rezoning Program and adopting three new zoning districts to allow multifamily dwellings. To demonstrate the adequacy of these sites and strategies to accommodate the Town's RHNA, the element must include complete analyses:</p> <p>Pipeline Projects: The Town's RHNA may be reduced by the number of new units built since July 1, 2022. The element indicates 17 units affordable to low-income households are pending in the Willow Commons and Stanford Wedge projects but must also demonstrate the affordability of the units. Specifically, the element must assign these units to the various income groups based on actual or anticipated sales price or rent level of the units or other mechanisms ensuring affordability (e.g., deed-restrictions) and demonstrate their availability in the planning period. For units in the pipeline, the element should describe the status of the application, required entitlements, and anticipated date of approval.</p>	<p>Added language to <i>Section 6, Adequate Sites</i> under subheading Pipeline and Pending Projects, with additional details on the Willow Commons and Stanford Wedge projects.</p>
9	<p>Realistic Capacity: While the element provides assumptions of buildout for sites included in the inventory, it must also provide support for these assumptions. For example, the element should demonstrate what specific trends, factors, and other evidence led to the assumptions. The estimate of the number of units for each site must be adjusted as necessary, based on the land use controls and site improvements, typical densities of existing or approved residential developments at a similar affordability level in that jurisdiction, and on the current or planned availability and accessibility of sufficient water, sewer, and dry utilities.</p>	<p>Added language to <i>Section 6, Adequate Sites</i> under subheading Realistic Capacity, describing local setting (no multifamily zones, limited multifamily development), site quality, and the rezonings.</p>
10	<p>Opt-In-Single-Family Rezoning Program: In order to accommodate the remaining need for the above moderate-income RHNA, the town is proposing to develop a program where property owners can opt-in to rezone their parcel to allow for 4 units per acre and a maximum of four dwelling units per lot. The Town is expecting to increase capacity by 12 units. In order to count these proposed unit towards the RHNA, the element must further describe the potential for additional capacity using</p>	<p>Added language to <i>Section 6, Adequate Sites</i> under Subheading Opt-In Housing Program, providing additional detail on how the program would function, program incentives the review process for applicants. Revised Opt-In program language in <i>Section 7, Programs</i> (Program 1-3) to reflect additional program details.</p>

	<p>the Opt-In-Single-Family Rezoning Program within the planning period. This must include reviewing program guidelines and processes, include a description of existing uses, the number of parcels that could apply for the rezone including a sample parcel inventory, a survey or other methodology to show how many parcels would potentially rezone in the planning period, and incentives for property owners to opt into the program. Please be aware, pursuant to Government Code section 65583 (c)(1)(A), rezones to accommodate RHNA must occur within three years from date of adoption of the element. The element should include a program to monitor application of the program to ensure that rezonings have been completed within that timeframe and commit to rezone or amend the housing element to identify additional sites.</p>	
11	<p>Affiliated Housing Sites: The element identifies two sites that will not be rezoned but are anticipated to be developed under the Affiliated Housing Site Program including the 42 Acre Sequoia Housing Site and the Christ Church Affiliated Housing site. The element must include information that demonstrates the potential for development within the planning period including, but not limited to, information on proposed projects within the planning period, analysis on existing uses and whether those existing uses could impede development, and approval procedures (see next section). The element could also include programs that commit to facilitating the development of these properties and commit to monitor production throughout the planning period and if necessary additional actions to identify additional capacity.</p>	<p>Added language to <i>Section 6, Adequate Sites</i>, under subheading Affiliated Housing Sites to describe the codification of the Affiliated Housing Program and more information about the Sequoias and Christ Church sites.</p>
12	<p>ADUs: The element relies on 92 ADUs to accommodate a portion of the Town's RHNA. For your information, HCD records indicate permitted ADUs of 7 in 2018, 7 in 2019 and 3 in 2020. The element should reconcile these numbers and adjust assumptions as appropriate. The element must clarify these ADUs numbers in relationship to the projections, reconcile these numbers and adjust assumptions as appropriate. Depending on the analysis, the element must commit to monitor ADU production and affordability throughout the planning period and implement additional actions if not meeting target numbers within a specified time period (e.g., within six months). Finally, if necessary, the degree of additional actions should be in stride with the degree of the gap in production and affordability. For example, if actual production and affordability of ADUs is far from anticipated trends, then rezoning or something similar would be an appropriate action. If actual production and affordability is near anticipated trends, then measures like outreach and marketing might be more appropriate.</p>	<p>Added languages to <i>Section 6, Adequate Sites</i>, under subheading Accessory Dwelling Units and Junior Accessory Dwelling Units to strengthen assumptions about ADU production.</p> <p>HCD, Thank you for noting the discrepancy between the Town's records and HCD records. The Town is aware of past reporting errors that need to be corrected with HCD. Unfortunately, the report form was completed incorrectly so the numbers do not align.</p> <p>(Town may need to add a program to resolve the past reporting problems.)</p>
13	<p>Environmental Constraints: While the element generally describes a few environmental conditions within the Town (page 68), it must describe any known environmental constraints within the Town that could impact housing development in the planning period. (Gov. Code, § 65583.2, subd. (b).) For additional information and sample analysis, see the Building Blocks at http://www.hcd.ca.gov/community-development/building-blocks/site-inventory-analysis/analysis-of-sites-and-zoning.shtml#environmental.</p>	<p>Added discussion of biological and hazardous materials to <i>Section 4, Constraints</i> under the Environmental Constraints subheading.</p>
14	<p>Sites with Zoning for a Variety of Housing Types:</p> <ul style="list-style-type: none"> ▪ Emergency Shelters: The element should describe the development standards of the zone that allows emergency shelters by-right and should provide an analysis of proximity to transportation and services for these sites, hazardous conditions, and any conditions in appropriate for human habitability. Specifically, the element. In addition, the element should describe how emergency shelter parking requirements are in line with AB139/Government Code section 65583, subdivision (a)(4)(A) or include a program to comply with this requirement. 	<p>Added language to <i>Section 4, Constraints</i> under subheading Zoning Code describing addition of Emergency Shelters to new code for Multi-Family zones, and shelter regulations as permitted by Government Code section 65583 (a)(4)(A).</p> <p>Added language to <i>Section 2, Housing Needs</i>, referring to Emergency Shelter updates in new Multi-Family zones, as described in <i>Section 4, Constraints</i>.</p>
15	<ul style="list-style-type: none"> ▪ ADUs: The element indicates the Town modified its zoning code to ease barriers to the development of ADU's. However, after a cursory review of the Town's ordinance, HCD discovered 	<p>Added Program 7-8, Update Town's ADU ordinance regularly to comply with state law, to <i>Section 7, Goals, Policies, and Programs</i>. A description of Program 7-8 was</p>

	<p>several areas which were not consistent with State ADU Law. HCD will provide a complete listing of ADU non-compliance issues under a separate cover. As a result, the element should add a program to update the Town's ADU ordinance in order to comply with state law.</p>	<p>also added to <i>Section 6, Adequate Sites</i>, where the proposed ADU programs are described, under subheading Proposed ADU and JADU Policies and Programs.</p>
16	<p><i>4. An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Government Code section 65584 and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7). (Gov. Code, § 65583, subd. (a)(5).)</i></p> <p><u>Multi-Family Zoning and Mixed-Use Zoning Districts:</u> As stated above, to accommodate the town's RHNA, three new multifamily zoning districts will be created to accommodate 4 units, 6 units, and 20 units per acre respectively. While HCD recognizes that zoning has not yet been created to implement the new zones, the element should generally describe and commit to expectations for development standards in these zones. For example, the element should describe expected height limits, parking, and other standards that will facilitate development at the densities proposed. This is particularly critical because the Town currently does not have any zoning districts that specifically allow for multifamily.</p>	<p>Updated <i>Section 6, Adequate Sites</i> to add basic development standards. Corresponding zoning code amendments are underway and expected to be completed by July 2023.</p>
17	<p><u>Minimum Density Equals Maximum Density:</u> The element states that the density for the new multifamily district allows 20 dwelling units an acre. However, the element must clarify if the minimum density for the rezone is also the maximum density. The element must analyze this narrow range of density (20 units per acre) as a potential governmental constraint on housing development including potential impacts resulting from site constraints, financial considerations, and other development factors.</p>	<p>Updated <i>Section 6, Adequate Sites</i>, to clarify minimum and maximum densities for the new Multi-Family and Mixed Use Districts. The R-MF-20 allows between 10 to 20 dwelling units per acre and the R-MF-4 allows between 2 to 4 dwelling units per acre. The MU allows between 4 to 6 dwelling units per acre.</p>
18	<p><u>Zoning, Development Standards and Fees:</u> The element must clarify compliance with new transparency requirements for posting all zoning, development standards and fees on the Town's website and add a program to address these requirements, if necessary.</p>	
19	<p><u>Design Review (D-R) Combining District:</u> The element must further describe and analyze the Design Review Combining District and Architectural and Site Control Commission (ASCC). The element must include a description of any guidelines and design criteria, approval procedures, and decision-making criteria, for their impact as potential constraints on housing supply and affordability. For example, the analysis should consider processing and approval procedures and timeframes, level of review, subjectivity of approval findings and any discretionary approval procedures. The element should also indicate if housing under the new multifamily zoning districts will be subject to this procedure. The element must demonstrate these processes are not a constraint or it must include a program(s) to address this permitting requirement, as appropriate.</p>	<p>Updated <i>Section 4, Constraints</i>, to clarify limited scope of D-R Combining District and add information about ASCC review process.</p>
20	<p><u>Affiliated Housing Program:</u> The element identifies two sites within the inventory for potential for development through the Affiliated Housing Program. While the element provides a brief description (page 82), it must include further information and analysis on how projects proposed under this program are approved. For example, what development standards apply to the project, what types of finding are necessary to approve the conditional use permit, standards that are</p>	<p><i>Section 7, Goals Policies and Programs</i> (Programs 1-4 and 4-2) updated with detail on the Affiliated Housing Program.</p> <p>in <i>Section 4, Constraints</i>, subsection Conditional Use Permit and Planned Unit Development Permit Processes updated to explain why the permit process does not</p>

	required to opt-in to the program, and other requirements that impact the feasibility of development on sites within the overlay.	impact the feasibility of development. Additionally, each Affiliated site is discussed in detail in <i>Section 6, Adequate sites</i> .
21	<u>Streamlining Provisions:</u> The element must clarify whether there are written procedures for the SB 35 (Chapter 366, Statutes of 2017) Streamlined Ministerial Approval Process and add a program to address these requirements as appropriate.	Added language in <i>Section 4, Constraints</i> , clarifying that, while the Town has not adopted its own procedure, it will follow State law when processing SB 35 applications.
22	<u>Building Codes and Enforcement:</u> While the element states that it has adopted the 2019 building code, it must also describe any local amendments to the building code and enforcement of the codes for impacts on housing supply and affordability.	Added language in <i>Section 4, Constraints</i> , to specify the local amendments related to sustainability and fire safety.
23	<p><u>Constraints on Housing for Persons with Disabilities:</u> The element briefly describes its reasonable accommodation measures (page 51). However, the element should describe the process and decision-making criteria such as approval findings and analyze any potential constraints on housing for persons with disabilities.</p> <p>The element must also address how non-licensed group home facilities that serve seven or more residences is permitted. Zoning and standards should simply implement a barrier-free definition of family instead of subjecting, potentially persons with disabilities, to special regulations. Zoning code regulations that isolate and regulate various types of housing for persons with disabilities based on the number of people and other factors may pose a constraint on housing choice for persons with disabilities. The element should include specific analysis of these and any other constraints for impacts on housing for persons with disabilities and add or modify programs as appropriate.</p>	Updated subsection Zoning for a Variety of Housing Types in <i>Section 4, Constraints</i> to indicate plan to modernize the Municipal Code definition of "household" and added action 8-9 to TABLE 3-1 in <i>Section 3, Affirmatively Furthering Fair Housing</i> .
24	<u>Water Sewer Priority:</u> For your information, water and sewer service providers must establish specific procedures to grant priority water and sewer service to developments with units affordable to lower-income households. (Gov. Code, § 65589.7.) Local governments are required to immediately deliver the housing element to water and sewer service providers. HCD recommends including a cover memo describing the Town's housing element , including the Town's housing needs and regional housing need. For additional information and sample cover memo, see the Building Blocks at https://www.hcd.ca.gov/priority-for-water-and-sewer .	Thanks HCD – Town will distribute Housing Element to water provider.
25	<p><i>5. An analysis of 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 anticipated in the analysis required by subdivision (c) of Government Code section 65583.2, and the length of time between receiving approval for a housing development and submittal of an application for building permits for that housing development that hinder the construction of a locality's share of the regional housing need in accordance with Government Code section 65584. (Gov. Code, § 65583, subd. (a)(6).)</i></p> <p><u>Developed Densities and Permit Times:</u> The element must be revised to include analysis of requests to develop housing at densities below those anticipated, and the length of time between receiving approval for a housing development and submittal of an application for building permits that potentially hinder the construction of a locality's share of the regional housing need.</p>	(Explanation will be provided to HCD)

26	<p><i>6. Analyze any special housing needs such as 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, § 65583, subd. (a)(7).)</i></p> <p>While the element quantifies some of the Town's special needs populations, it must also analyze their special housing needs. The element must also quantify the number of the elderly and large households. For a complete analysis of each population group, the element should discuss challenges faced by the population, the existing resources to meet those needs (availability senior housing units, # of large units, # of deed restricted units, etc.), an assessment of any gaps in resources, and proposed policies, programs, and funding to help address those gaps.</p>	<p>Further analysis added to Section 2, Housing Needs, subsection Large Households</p> <p>In looking at the data again, only 2.1% of the housing stock is small multi-family (48 units), while 29% of the pop is over 65 (1,336 ppl). This shows we don't have the small units to meet the possible demand of our older population. Do we need to say more about this?</p>
27	<p>C. Housing Programs</p> <p><i>1. Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake 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, and the utilization of appropriate federal and state financing and subsidy programs when available. The program shall include an identification of the agencies and officials responsible for the implementation of the various actions. (Gov. Code, § 65583, subd. (c).)</i></p> <p>Programs must demonstrate that they will have a beneficial impact within the planning period. Beneficial impact means specific commitment to deliverables, measurable metrics or objectives, definitive deadlines, dates, or benchmarks for implementation. Deliverables should occur early in the planning period to ensure actual housing outcomes. To address the program requirements of Gov. Code section 65583, subd. (c)(1-6), and to facilitate implementation, programs must include: (1) specific actions the local government will take during the planning period; (2) timelines that result in beneficial impacts within the planning period; (3) objectives, quantified where appropriate; and (4) identification of responsible agencies and officials.</p>	<p>Added language to <i>Section 7, Goals, Policies and Programs</i> clarify and solidify objectives and timeframes for programs throughout. Deliverables are generally early in the planning period in order to allow time for outcomes to occur.</p>
28	<p>Additionally, all programs should be evaluated to ensure meaningful and specific actions and objectives. Programs containing unclear language (e.g., "Evaluate"; "Consider"; "Encourage"; etc.) should be amended to include more specific and measurable actions. Programs to be revised include, but are not limited to, Programs 1-1-4, 2-1. 3-2, 4-1, 4-2, 4-3, 4-4, and 6-3.</p>	<p>Programs have been updated to provide more clarity and specificity.</p>
29	<p><u>Transitional Housing and Supportive Housing:</u> The element must include a program to amend the zoning ordinance to permit transitional and supportive housing as a residential use in all zones allowing residential uses and only subject to those restrictions that apply to other residential dwellings of the same type in the same zone. (Gov. Code, § 65583, subd. (c)(3).) For additional information, see the Building Blocks' at https://www.hcd.ca.gov/zoning-for-a-variety-of-housing-types and HCD's SB 2 memo at http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sb2_memo050708.pdf.</p>	<p>This code amendment has already been completed so no program is necessary.</p>
30	<p><u>Developmental Disabilities:</u> The element must include a program to assist in the development of housing for persons with developmental disabilities (SB 812). Program actions could include proactive outreach and assistance to non-profit service providers and developers, prioritizing some funding for housing developments affordable to special needs households and offering financial incentives or regulatory concessions to encourage a variety of housing types.</p>	<p>Added new Policy 9 and program 9-1 to <i>Section 7, Goals, Policies and Programs</i> to assist in the development of housing for persons with developmental disabilities.</p>
31	<p><i>2. 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</i></p>	<p>Language has been added to <i>Section 6, Sites</i> describing the Opt-In Housing Program in more detail, to <i>Section 7, Goals, Policies and Programs</i> describing various ADU</p>

	<p><i>that portion of the town's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Government Code section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing.</i> (Gov. Code, § 65583, subd. (c)(1).)</p> <p>As noted in Finding B3, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the Town may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types.</p>	<p>programs, and to <i>Section 4, Constraints</i>, describing the inclusion of updated Emergency Shelter language in the new Multi-family zoning standards.</p>
32	<p><u>Programs 1-1, 1-2, 1-3:</u> These programs currently have a timeframe for completion of January 2031. Because these programs are required to accommodate the RHNA, pursuant to Government Code section 65583 (c)(1)(A) rezones must be completed within three years from the date of adoption.</p> <p>For your information, if rezones are completed after January 31, 2023, the element must also demonstrate Program 1-1 complies with the requirements of Government Code section 65583.2, subdivisions (h) and (i). For example, while the element indicates the residential capacity of the rezoned sites, it must also demonstrate the rezoned sites have a site capacity of at least 16 units, permit rental and owner multifamily development without discretionary review at minimum densities of at least 16 or 20 dwelling units per acre, and that at least at least 50 percent of the very low and low-income housing need shall be accommodated on sites designated for exclusive residential uses or on sites zoned for mixed uses that accommodate all of the very low and low-income housing need, if those sites allow 100 percent residential use and require that residential use occupy 50 percent of the total floor area of a mixed-use project. For additional information, go to https://www.hcd.ca.gov/hcd-memos.</p>	<p><i>Section 7, Goals, Policies and Programs</i> updated to reflect completion timeframe for programs 1-1, 1-2 and 1-3.</p>
33	<p><u>Program 1-4:</u> The program should be revised to describe incentives for the Affiliated Housing Program and as stated above, include a program to monitor development of sites within the Affiliated Housing Program. In addition, the municipal code update should occur sooner in the planning period to have a beneficial impact.</p>	<p>Updated Program 1-4 to increase monitoring and clarify when code amendments will be done.</p>
34	<p><i>3. The Housing Element shall contain programs which assist in the development of adequate housing to meet the needs of extremely low-, very low-, low- and moderate-income households.</i> (Gov. Code, § 65583, subd. (c)(2).)</p> <p><u>Extremely Low-Income Program (ELI):</u> While the element includes programs to assist in the development of very low-, low-, and moderate-income households, it must also include a program(s) to assist in the development of housing affordable households. Programs must be revised or added to the element to assist in the development of housing for ELI households. Program actions could include prioritizing some funding for housing developments affordable to ELI households and offering financial incentives or regulatory concessions to encourage the development of housing types, such as multifamily, single-room occupancy (SRO) units, to address the identified housing needs for ELI households. For additional information, see the Building Blocks at https://www.hcd.ca.gov/extremely-low-income-housing-needs.</p>	<p>Added language to <i>Section 4, Adequate Sites</i> under subheading Non-Vacant Underutilized Sites describing RFP process for Ford Field site and Town's control over number and type of low income and/or special needs units to be developed. The Town will require that 50 low income units be developed, with 5% set aside for extremely low income and/or special needs. If supportive housing is proposed, the Town will waive fees and expedite permit review, as was done with Willow Commons.</p> <p>Program 1-1, New Gateway Land Use Classification, describes how the site will allow for affordable housing. Program 3-1, Initiate Site Planning Process in Gateway, provides for pursuing an affordable housing project on the site.</p>

35	<p><i>4. 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. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. (Gov. Code, § 65583, subd. ©(3).)</i></p> <p>As noted in Finding B4 and B-5, the element requires a complete analysis of potential governmental and nongovernmental constraints. Depending upon the results of that analysis, the Town may need to revise or add programs and address and remove or mitigate any identified constraints.</p>	<p>Language in <i>Section 7, Goals, Policies and Programs</i> has been updated to reflect responses to comments on constraints. See responses to Comments 16-24.</p>
36	<u>Program 4-1:</u> This program should be revised to include specific details of the new parking requirements for affordable housing.	
37	<u>Program 4-4:</u> This program should be revised to clarify that the zoning regulations and objective standards will facilitate the development of residential units at the densities proposed.	Program 4-4 removed and language integrated into other programs.
38	Pursuant to conversations with staff, the Town's density bonus may be out of date with state law. The element should include a program to update the ordinance accordingly.	Updated Program 4-2 in <i>Section 7, Goals, Policies and Programs</i> to include annual assessment of Density Bonus Law and regular reviews of Affiliated Housing Program
39	<p><i>5. The Housing Element shall include programs to conserve and improve the condition of the existing affordable housing stock. (Gov. Code, § 65583, subd. ©(4).)</i></p> <p><u>Conserve and Improve:</u> The element must include a program(s) to conserve and improve the condition of the existing stock, which may include addressing the loss of dwelling units. A program could provide grants for substantial rehabilitation, provide matching grants for homeowner improvements, or implement proactive code enforcement program.</p>	<p>The Housing Element includes multiple programs which support the conservation and improvement of housing units within Portola Valley (described in <i>Section 7, Goals, Policies, and Programs</i>):</p> <ul style="list-style-type: none"> • 7.2 ADU Amnesty program. Added language clarifying that, once legalized, previously unpermitted ADUs could then be improved via building permits from the Town. The Town's existing ADU Ambassador program can help spread the word about the Amnesty program. The Town estimates that 15 ADUs will be rehabilitated through the Amnesty Program (Table 7-2). • 7.3 Building Division support for JADU construction. The Town will provide property owners with direct assistance in making minor changes to accommodate a JADU. If rented, a new JADU would provide an income stream to the homeowner, which could be used for home improvements to their existing home. <p>In addition, Portola Valley's Home Hardening Ordinance, which is already in effect, incorporates specific building requirements into the Town municipal code that improves the fire safety of buildings by "hardening" them against fire. Where implemented, these home hardening elements will help preserve the home, by improving the likelihood that a home will survive a wildfire.</p> <p>Finally, it is worth noting that Portola Valley's high land values and high-income levels make it extremely unlikely that a home will fall into disrepair, become uninhabitable, or sit vacant. Further discussion on this topic can be found in <i>Section 2, Housing Needs</i>, under subsection Housing Condition.</p>
40	<i>6. 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 characteristics protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of</i>	Added language to relevant policies in <i>Section 7, Goals, Policies, and Programs</i> describing which contributing factors from Table 3-1: Summary Matrix of Fair Housing Issues and Actions would be addressed by any given policy, in order to more

<p><i>Division 3 of Title 2), Section 65008, and any other state and federal fair housing and planning law. (Gov. Code, § 65583, subd. ©(5).)</i></p> <p>Goals and actions must significantly seek to overcome contributing factors to fair housing issues. Currently, the element identifies programs to encourage and promote affordable housing; however, most of these programs do not appear to facilitate any meaningful change nor address affirmatively furthering fair housing requirements. Furthermore, the element must include metrics and milestones for evaluating progress on programs, actions, and fair housing results and include geographic targeting as appropriate. Given that most of the Town is considered a highest resource community, the element could focus on programs that center on place-based strategies for economic and community revitalization, protecting residents from disaster-driven and investment-driven displacement, and enhancing housing mobility to encourage the development of more housing choices and affordable housing. Programs also should be based on identified contributing factors, be significant and meaningful. The element must add, and revise programs based on a complete analysis and listing and prioritization of contributing factors to fair housing issues. For example, the Town could consider is tying Program 8-7 towards actions to improve nongovernmental constraints such as mortgage acceptance rates. For more information, please see HCD's guidance at https://www.hcd.ca.gov/community-development/affh/index.shtml.</p>	<p>clearly draw a through line from fair housing contributing factors to the Town's Policies and Programs.</p>
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**Portola Valley Town Council Subcommittee
Preliminary Post-Adoption Implementation Plan and
Related Recommendations
for 6th Cycle Housing Element
March 22, 2023**

Definitions

GP = General Plan

HE = Housing Element

MMRP = Mitigation monitoring and reporting program, part of the IS/MND

PC = Planning Commission

PCCM = Planning Commission Colleagues Memo dated February 8, 2023

Post HE Plan = Post-Adoption Housing Element Plan

TC = Town Council

TC HE Subcommittee = Town Council Post HE Plan Subcommittee

Overview: We summarize steps proposed to be taken concurrently with or after adoption of the Town's updated HE.

Goal: Support and enhance the Town's ability to accommodate additional housing in accordance with our General Plan.

Sources: Discussions during meetings of various committees and commissions and the Town Council in connection with the HE, as well as initiatives that the TC HE Subcommittee suggests be included in the Post HE Plan.

NOTE: *This is not intended to be the Post HE Plan;* it merely summarizes topics that the Post HE Plan and other documents (HE, MMRP, Safety Element) will address.

Next steps on Post HE Plan: We envision the full Post HE Plan as being defined concurrently with, or immediately after (within 30 days) the HE adoption by the Town.

Goal:

Discuss and align on which of the actions proposed by the PCCM and the TC HE Subcommittee to take, in which document, and by which means.

Topics:

- Housing Site Inventory Follow up
- Zoning, Design Review Actions and Related General Plan Updates
- CEQA Guidelines/Local Guidance
- Supplemental Safety Measures for HE
- Impact of HE on Services and Infrastructure
- Housing Funds Develop Policy for Use of Inclusionary Funds
- Encourage Community and Civic Engagement
- Develop Housing Element Information Repository

Topic 1: Housing Site Inventory Follow up

Action	<ol style="list-style-type: none">1. Evaluate and propose Sunrise opportunity sites.2. Initiate longer term planning efforts for future housing cycles.
Placement	HE for Sunrise duration and intent to identify substitute sites for Dorothy Ford Park and Open Space (before an RFP process commences), and Post HE Plan for details on further timing for specific Sunrise efforts, committee composition and processes, and ADU/JADU efforts described below.
Process	<p>On item 1 under this topic, within 3 months after the HE adoption, a TC subcommittee would be formed to oversee preliminary work, with planning staff support, to identify potential alternative sites and/or other programs that may address our RHNA requirements currently addressed with Dorothy Ford Park and Open Space. Such subcommittee would conduct initial outreach to the community (through public meetings) and to owners of properties that may serve as alternative sites.</p> <p>No later than 9 months after adoption of HE, establish an ad hoc committee consisting of Town committee, commission and council members along with Town residents, which would work with staff and consultants, to discuss, evaluate and prioritize all opportunities, and gather financial, property rights and other relevant information to guide discussions of alternative sites in light of the Town ethos and the General Plan. This ad hoc committee would also evaluate opportunities to reconfigure Dorothy Ford Park and Open Space, if alternative sites are not identified, and understand the potential costs of doing so. The Post HE Plan would outline these activities in more detail.</p>

Topic 1: Housing Site Inventory Follow up (cont'd)

Process	<p>On item 2 under this topic, within 2-3 years after adoption of HE, form a working group or ad hoc committee to focus on conducting community discussions of longer term Town housing needs outside of current HE efforts and RHNA requirements, to focus proactively and with deliberation on longer term Town housing needs. These efforts would be integrated with efforts by the ADU Working Group to engage in further phases of understanding community interest in ADUs and JADUs, including amnesty programs. This effort would also develop policies and approaches to consider to support ADU, JADU and amnesty programs, including fee waivers or reductions, incentives to rent at affordable rates, and tracking information useful to demonstrate that some portion of Town ADU and JADU units are eligible to be designated as very low and low income category units (e.g., through short term deed restrictions, voluntary tracking and reporting, etc.).</p> <p>Further efforts would include tracking, on a quarterly basis, each existing site or newly identified available sites as the Sunrise effort evolves, noting any legal or other impediments to including such sites in the Housing Element, and the rationale for why such sites were selected or omitted from the Housing Element.</p>
Comments	<p>The intent of this effort is to maximize success of Sunrise provision to identify alternatives to development of Dorothy Ford Park and Open Space, to retain as much as possible the aesthetic, recreational and natural attributes of these sites while complying with our HE commitments, to the maximum extent possible. This effort would also entail understanding the costs of such efforts. Furthermore, the Post HE Plan would include an approach for a more continual evaluation of housing needs in Town to avoid time-constrained, rushed analyses in future HE cycles.</p>

Topic 2: Zoning, Design Review Actions and Related General Plan Updates

Action	Within 6 months after adoption of HE, review, discuss and adopt zoning changes needed to ensure further consistency and fidelity of HE with GP, and develop objective design criteria consistent with Town design guidelines for use in complying with state requirements for certain future development projects in a manner consistent with the GP.
Placement	HE (already recited in Program 1-1c for objective criteria) and Post HE Plan
Process	Planning Staff and consultants with relevant expertise relating to necessary zoning changes and objective design criteria would develop proposal. The proposal would be submitted to PC and TC for recommendation and adoption. One or two public awareness, education and comment meetings should be considered after the initial PC study session, conducted with support by the staff and consultants.
Comments	In the course of implementing the new HE, the Town will need to adopt zoning changes and objective design review guidelines. The timelines and sequence of activities will be set out in the Post HE Plan. In the unlikely event that General Plan updates are needed in light of these changes, they could be adopted as part of longer term effort to update General Plan, unless required to be adopted earlier under law. Objective design standards would be developed as soon as practical given that they are a critical means of requiring new project development to be consistent with the Town's General Plan and ethos.

Topic 3: CEQA Guidelines/Local Guidance

Action	<ol style="list-style-type: none">1. Within 6 months after HE adoption, establish CEQA guidelines per 14 CCR Section 15022.2. Within 8 months after HE adoption, establish local guidance concerning aesthetics, parks and recreation, public services, traffic and wildfire safety to guide future development, with reference, where available, to approaches taken by jurisdictions that have adopted similar measures (such as Gilroy, Los Angeles, San Diego, Oakland and Laguna Niguel).
Placement	MMRP
Process	Planning Staff and CEQA expert to address item 1 under this topic, and submit for TC approval. Planning Staff with CEQA and other consultants to develop framework for item 2 under this topic based on references to other jurisdictions adopting similar local parameters, then submit for discussion and review by the Planning Commission to tailor to community values and the Town's General Plan. It would then be submitted for adoption by the Town Council. One or more public awareness, education and comment meetings would be conducted after the initial PC study session.

Topic 3: CEQA Guidelines/Local Guidance (cont'd)

Comments	<p>The intent of item 1 under this topic is to comply with state requirements in adopting local CEQA guidelines, and the intent of item 2 under this topic is to clarify and standardize analysis and decision making in the environmental review process for future development projects in Town, with the intent to enhance the measures included in the IS/MND as appropriate to reflect our Town's ethos.</p> <p>Guidelines and features could be derived from existing examples taken from other jurisdictions and would serve to frame the analyses of future project-level environmental impacts and mitigation measures for projects that are not exempt from CEQA, and be informed by public input.</p> <p>Any required General Plan amendments that may be identified in the initial process as being required to effect these actions could be implemented in the next update of the General Plan unless legally required to be adopted earlier.</p>
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Topic 4: Supplemental Safety Measures for HE

Action	Coordinate and ensure that the Town's ongoing safety-related activities also consider the cumulative projected increase, in Town population and housing units arising out of HE adoption, and adopt mechanisms to coordinate with neighboring jurisdictions with respect to safety measures such as the evacuation plan.
Placement	Safety Element/HE (see policy 6)/MMRP
Process	Staff and consultants would reach out to committees involved in the Safety Element process to confirm that such committees assessed and made recommendations to the Planning Commission and Town Council with respect to adjustments to evacuation routes and planning, building codes, and other safety measures (to address fire, geologic, flooding and other risks), specifically arising from the cumulative increase in population and housing units in the HE, adopted fire maps, other elements of the GP, and best practices.

Topic 4: Supplemental Safety Measures for HE (cont'd)

Process	<p>These efforts would be made in conjunction with the ongoing Safety Element update, which will be completed to the extent feasible within 6-9 months after the HE adoption.</p> <p>The Post HE Plan will outline details of conducting assessments of safety measures periodically in light of actual and projected housing growth to enable methodical and proactive approach.</p>
Comments	<p>The goal of this effort is to optimize consistency, beyond what is required by CEQA, across the Safety Element, HE, and GP with respect to safety in light of the increase in the Town's population under the new HE, complementing ongoing efforts already in process.</p>

Topic 5: Impact of HE on Services and Infrastructure

Action	Understand projected growth in demand on services and infrastructure resulting from increased population and housing units in Town under the HE, and potential impact on Town budget, and develop strategy for maintaining or improving current service levels. Understand and gather information on housing insurance challenges in Town, focusing in particular on how additional housing units to be built in the course of implementing our HE will impact existing insurance programs residents use, and the availability and costs of insuring new housing units.
Placement	HE/Post HE Plan
Process	Within 4-6 months after HE adoption, staff working with one or more Town Council members would conduct supplemental outreach to confirm public services and infrastructure (e.g., public utilities, public services such as hospitals, fire protection services, police services, safety services, parks and recreation) continue to be available appropriate for Town population in terms of an appropriate service level, quality, capacity and location, including an assessment of costs to the Town, and if necessary identify any adjustments that are identified in such process.

Topic 5: Impact of HE on Services and Infrastructure (cont'd)

Process	<p>Within 18 months after HE adoption, form a committee of committees including members of the planning commission to assess more detailed and longer term qualitative and quantitative implications of increasing the Town population and housing units as a result of HE adoption on services and infrastructure, and understand and monitor issues and developments that may impact the availability of insurance for new and existing housing units in Town.</p> <p>The group or committee's goal would be to advise the PC and TC on mechanisms recommended to make sure that public services and infrastructure (e.g., public utilities, public services such as hospitals, fire protection services, police services, safety services, parks and recreation) continue to be available appropriate for Town population in terms of an appropriate service level, quality, capacity and location, including an assessment of costs to the Town.</p> <p>Community outreach sessions would be conducted to allow the public to understand and comment on the committee's efforts.</p>
Comments	<p>Increased demand on services and infrastructure merits special monitoring and planning for increased demand, while maintaining level of services and resources. This effort would complement the efforts staff routinely makes with respect to services and infrastructure to focus on longer term implications of HE adoption.</p>

Topic 6: Housing Funds Develop Policy for Use of Inclusionary Funds

Action	Within 6 months after adoption of the HE, define an Inclusionary Funds Use Policy to guide the Town's use of funds arising from this HE program.
Placement	Post HE Plan
Process	Town Council subcommittee already appointed will work with Town committees to gather input on priorities and considerations that will inform an Inclusionary Funds Use Policy. Such subcommittee, with staff support, will develop a proposal for consideration by the Town Council for adoption.
Comments	This effort will complement the Town's general efforts to identify incentives and support for expanding housing options as part of the HE. As the Town assesses its financial resources to accommodate the HE, this effort could also extend to use of other funds that may become available for housing-related purposes.

Topic 7: Encourage Community and Civic Engagement

Action	Engage community organizations in discussion of community housing needs and potential resources.
Placement	Post HE Plan
Process	Form working group including Town committee and commission members to conduct outreach to civic organizations located or operating in Town (e.g., HOAs, medical support services, religious organizations) who are positioned to understand the needs of the most vulnerable in the local community, and assist in understanding existing impediments to development of new housing, identifying and creating opportunities for housing and developing policies to support housing needs for these populations. This would not entail formal meetings unless the Town Council later found it necessary to conduct them. However, the working group would report its findings to the Town Council.
Comments	The intent of this activity is to engage organizations that have special insight into the housing needs of vulnerable populations in Town, and to engage them in defining Town strategies to meet these needs on an ongoing basis.

Topic 8: Develop Housing Element Information Repository

Action	Create accessible repository of HE-related information, including information about RHNA requirements (general and Town-specific), analyses of available sites, processes and discussions of the Ad Hoc Housing Element Committee, and other items.
Placement	Post HE Plan
Process	To be determined after Housing Element adoption. This would not entail material staff time unless the Town Council approves such work.
Comments	Recognizing the extensive efforts of the Town to consider public comment and gather information on potential housing sites, the Town Council wishes to create an easily accessible repository that would be available for the Sunrise-related activities and other Town housing-related activities and otherwise for public understanding and awareness.

Key Approaches for Fire Safety Presented to Planning Commission by Fire Marshal Don Bullard
In the order of the presentation – Not priority order

#	Proposed Policy (Key Approaches)	Responsible Party	Implementation Strategy	Status	Notes
1	Keep and expand progressive prevention policies in the 2010 Safety Element	Town	Incorporate into Safety Element	In progress; Town Committees are reviewing Safety Element	Staff and Fire Marshal have coordinated. Fire Marshal to review next draft prior to public review.
2	Pursue widening roads	Town	Incorporate into Safety Element	Evacuation route policies in progress; Town Committees are reviewing Safety Element	For evacuation routes, road widening strategies should be specified in Safety Element.
		WFPD/Private residents in Woodside Highlands	Implement Minimum Fire Safe Regulations	Private street widening regulations to occur with adoption of Minimum Fire Safe Regulations	For narrow private streets in Very High Fire Hazard Zones, Minimum Fire Safe Regulations require new development to widen streets.
3	Establish multiple access and egress routes	WFPD	WFPD has access keys/agreements with private land owners	In progress	
			WFPD will enforce Minimum Fire Safe Regulations	With implementation of Minimum Fire Safe Regulations	
		Town	Continue to speak to adjacent landowners to additional access	Ongoing	

Key Approaches for Fire Safety Presented to Planning Commission by Fire Marshal Don Bullard
In the order of the presentation – Not priority order

4	Meet Cal Fire Minimum Fire Safe Regulations	WFPD	Oversee regulations	Cal Fire amendments to Minimum Fire Safe Regulations operative on April 1, 2023. They do not apply to PV until new fire map adopted. WFPD has hired Flame Mappers to prepare updated map. Cal Fire is also preparing updated map.	
		Town	See Draft Safety Element Policy P-37, P-39, P-48, P-50, P-65, and P-70.		
5	Conduct site specific individuated Wildfire Hazard Assessment Plans	WFPD/Town	Include requirement in development application. WFPD and Town to work together to develop process	Preliminary conversations. Expect to start implementation work after fire maps are adopted and Minimum Fire Safe Regulations in place.	
6	Build to Chapter 7A (and 337 Residential Code) with local amendments	Town/WFPD	See Housing Element Program 6-1. Adopt local amendments to Building Code. Housing Element Program to review codes every three years for opportunities to improve	Completed in 2022. Ongoing every three years.	Town leads amendments in consultation with WFPD
7	Enhance construction methods and materials to be noncombustible	Town/WFPD	See Housing Element Program 6-1. Building Code already requires noncombustible exterior materials. Consider creating authority to require noncombustible	Completed in 2022.	

Key Approaches for Fire Safety Presented to Planning Commission by Fire Marshal Don Bullard
In the order of the presentation – Not priority order

			building assemblies if buildings are constructed close together.	WFPD will make recommendations to the Town to consider	
8	Limit exposure to flammable materials	WFPD	WFPD will make recommendations for Town to consider		May include building separation and limits on flammable materials in the 0-5' zone around buildings
9	Increase defensible space standards around structures	WFPD	WFPD Ordinance	First reading conducted on February 28, 2023	
10	Adopt new requirements for fuel breaks in parcels in the SRA and LRA areas within the District	WFPD	WFPD Ordinance	First reading conducted on February 28, 2023	
11	Town adopt a map indicating the High and Very High Severity Zones	WFPD/Town	See Housing Element Program 6-4. Adoption by Town when map(s) are available	In progress. WFPD has hired Flame Mappers to prepare local map, Cal Fire working on map.	
12	Revisit the ADU and SB9 Fire Safety Checklist and consider adoption of appropriate ordinances(s)	Town	See Housing Element Program 6-5. When new fire maps are available and new Fire Code adopted, revisit checklist and Code and evaluate need for changes. Also a Housing Element Policy.	Not started.	
13	Educate the public on key fire safety issues	WFPD/WPC	See Housing Element Program 6-6. Range of community outreach tools	Ongoing.	

Housing Element Programs (program language as of 3-22-23)	Approach	Direct Expense or Consultant Cost	Staff Time (High, Medium, Low)
Program 1-1a: Create a new “Gateway” land use classification in the General Plan that allows affordable housing, recreation and open space. Include the Dorothy Ford Field and Open Space site as well as the Ladera Church site in the new “Gateway” land use classification.	Included with HE budget.		
Program 1-1b: Create two new zoning districts that allow for multi-family housing at four du/acre and 20 du/acre to provide for development of housing at lower-income levels.	Included with HE budget		
Program 1-1c: Create Objective Design Standards for the new multi-family zoning districts to regulate building form and architectural details to create greater certainty in the design review process.	Included with HE budget		
Program 1-2a: Create a new zoning district that allows for mixed-use residential development with up to six du/ac and would allow for up to 100% of building floor area to be dedicated to residential uses. Create mixed-use development standards in the new zoning district to allow for greater intensity, including floor area, height limits, minimum lot or unit sizes, and allowable dwelling units per acre.	Included with HE budget		
Program 1-2b: Create Design Standards for the new mixed-use zoning district to regulate building form and architectural details to create greater certainty in the design review process.	Included with HE budget		
Program 1-3: Create a new opt-in housing program that allows property owners with sites one acre or greater to develop up to four dwelling units per acre, with a maximum of four dwelling units per lot, if they meet the safety criteria. Develop objective standards and issue call for projects.	Staff to work with Planning Commission to develop call for projects and criteria		High during active periods
Program 1-4: Currently the Affiliated Housing program is implemented through the Housing Element. With this update, the Municipal Code will be updated to further incentivize use of this program to provide affordable workforce housing	Included with HE budget		

<p>and to establish the parameters and process for the Affiliated Housing program, including development standards and affordability requirements.</p> <p>Maintain at least quarterly communication with program members to assess their progress and provide technical assistance.</p>	<p>Regular communication</p>		<p>Low</p>
<p>Program 1-5: Explore co-housing as a means to encourage a broader range of residents to the community. Identify organizations that support co-housing. Meet with them every two years to assess co-housing options or other programs to promote development of housing for lower incomes.</p>	<p>Research to identify organizations, outreach every two years.</p>		<p>Low</p>
<p>Program 2-1: Amend the Municipal Code to establish inclusionary housing requirements for new multi-family housing developments to complement existing inclusionary requirements for projects with subdivisions.</p>	<p>Anticipate partnering with other jurisdictions via 21 Elements</p>	<p>\$20,000 for study</p>	<p>Medium. Town staff plus Shared Housing Staff</p>
<p>Program 2-2: Develop a program to manage new affordable housing units in the town. Consider including the following:</p> <ul style="list-style-type: none"> ▪ Maintain affordability restrictions for 99 years or in perpetuity. ▪ Prioritize affordable housing for residents, former residents or those who work, or used to work in the town. ▪ Use a small percentage of a future housing trust fund to pay for housing staffing. ▪ Join with other cities in San Mateo County to share qualified housing staff to support the housing program. 	<p>Shared Housing staff through 21 Elements and HEART. Use portion of Affordable Housing Trust Fund if needed.</p>	<p>Estimate \$30,000 per year for shared staff</p>	<p>Medium</p>

<p>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.</p>	<p>Community planning process Technical feasibility studies</p>	<p>\$25,000 consultant \$100,000 (order of magnitude)</p>	<p>High</p>
<p>Program 3-2: Provide technical assistance to nonprofits/religious institutions to develop their sites with affordable housing.</p> <ul style="list-style-type: none"> ▪ Establish monthly office hours with Town staff and/or consultants for technical assistance. Include Planning, Building and Town Geologist when the program starts. On a quarterly basis, evaluate the effectiveness of the office hours and adjust format and staffing as necessary. ▪ When meeting with non-profits and religious institutions, encourage participation in the Affiliated Housing Program. 	<p>Monthly office hours. Assume 1.5 hours per month.</p>	<p>\$10,000 per year for consultant costs</p>	<p>Medium</p>
<p>Program 4-1: Create new parking requirements for affordable housing based on best practices and local conditions.</p>	<p>TBD – may be able to complete with other zoning code amendments</p>		

<p>Program 4-2: Provide additional flexibility on development standards for affordable housing through State Density Bonus Law or the Affiliated Housing program.</p> <ul style="list-style-type: none"> ▪ Review changes to State Density Bonus Law annually and adopt Municipal Code Amendments as necessary. ▪ Include the Affiliated Housing Program in the Zoning Code in the form of a combining district (overlay zone). Provide a process for applicants to request flexibility on development standards without requiring a variance. ▪ If Affiliated Housing sites are not producing the expected number of units, review the process to further facilitate projects, alter development standards, or provide incentives. Incentives may include additional technical assistance or waiver of permit fees. The Town may consider other assistance requested from applicants in the Affiliated Housing Program. 	<p>Town Attorney in collaboration with Planning staff</p> <p>Included with HE budget</p> <p>Monitor and consider incentives. May waive permit fees, resulting in cost to Affordable Housing Trust fund.</p>		Medium
<p>Program 4-3: Ensure the permitting process for modular and manufactured homes is clear and does not include any disincentives to using these building methods. Evaluate existing zoning code language and building permit process and make any necessary modifications Develop informational materials to assist applicants with zoning and building requirements.</p>	<p>Staff research and code review. Propose change as needed.</p>		Medium when active
<p>Program 5-1: Review Municipal Code standards and procedure documents and update as necessary so that they are more concise and understandable.</p> <ul style="list-style-type: none"> ▪ For applications that require review by Woodside Fire Protection District ▪ For applications that require Site Development Permits (Town term for grading permits) ▪ Create handouts in plain language for property owners and technical language for design professionals 	<p>Staff research and code review. Propose change as needed.</p>		Medium when active

Program 5-2: Review use of consultants, staffing pattern, and fee schedules for ways to improve efficiency.	Evaluate annually as part of budget process		Low
Program 6-1: As part of the regular three-year cycle to update the building code, evaluate the code and include latest best practices for fire resiliency in collaboration with Woodside Fire Protection District.	Building Official draft in collaboration with WFPD	\$7,000 every three years	Low
Program 6-2: Evaluate the Town's landscaping regulations and guidelines and update with science-based best practices with respect to fire safety and water usage in collaboration with the Town's Wildfire Preparedness Committee, Sustainability Committee and Conservation Committee	Committee led process	Unknown	Medium
Program 6-3: Vegetation management is a priority for wildfire resilience and additional programs will be developed in collaboration with Woodside Fire Protection District. (These programs cannot be included in detail because the best practices are evolving.) <ul style="list-style-type: none"> ▪ Continue regular meetings between the Fire Chief, Fire Marshal, Town Manager, and Planning and Building Director ▪ Ask the Fire Marshal to make an annual report to the Town Council on vegetation management efforts and make recommendations on how to improve effectiveness. Include discussion about supportive programs to assist households. 	Coordination with WFPD		Medium
Program 6-4: Review and adopt, as appropriate, fire hazard maps developed by the Woodside Fire Protection District and/or CalFire once they are available. In light of new fire maps, reevaluate housing sites with the Fire Marshal or other qualified professional to determine if any new/replacement sites are needed or if additional fire prevention measures are needed.		Consultant may be necessary	High
Program 6-5: Once new fire hazard maps are available from Woodside Fire Protection District and/or CalFire and adopted by the Town, evaluate ADU and	Staff review in consultation with WFPD		High

Senate Bill 9 ordinances to determine if any new fire prevention measures are needed.			
Program 6-6: Work with local fire officials to educate homeowners and landlords through community meetings, mailers, and participation in community events on how to reduce fire risk to structures and landscaping as wildfire risk continues to increase due to climate change.	Wildfire Preparedness Committee is lead		Low
Program 6-7: The Town has had a number of regulations that encourage energy conservation for years. These include permitting solar installations, utilizing subdivision regulations that protect solar access, and supporting energy efficient design. In addition, most new development is clustered, which reduces impacts on the land. The Town also requires native landscaping, which reduces the need for both water and energy. All of these policies and regulations will continue. Continue existing green and energy conservation measures, revise them when necessary, and implement new programs in accordance with the Sustainability Element and the town's future Climate Action Plan.	Sustainability Committee is lead		Low
Program 7-1: Improve public information on the ADU application and permit process so it is clear and comprehensive. Create new informational materials on JADUs, recognizing their benefits related to affordability, use of existing building areas, and environmental benefits. Track ADUs and JADUs separately to help analyze how well each program is working.	May be possible to collaborate with ADU Ambassadors for some of this work		High
Program 7-2: Create an amnesty program for existing, unpermitted ADUs to obtain permits to legalize the ADUs during the 2023-2031 planning period. The amnesty program would provide property owners the opportunity to formally legalize existing unpermitted ADUs and thereafter draw building permits for improvements to legalized ADUs.	May be possible to collaborate with ADU Ambassadors for some of this work		High when active
Program 7-3: Provide direct assistance from the Building Division for property owners interested in making minor changes to accommodate a JADU. This program helps to address fair housing contributing factors relating to a lack of affordable housing.	Provide individual meetings with Building Official	\$3,000 per year	Low

Program 7-4: Establish staff and consultant ADU office hours so that applicants can ask questions of subject matter experts.	Use same office hours as in Program 3-2.	Additional \$4,000 beyond number for Program 3-2	Medium
Program 7-5: Develop and run a survey of ADU owners in Portola Valley to determine how ADUs are being used in the community and how much they are contributing to the housing stock and affordable housing.			Medium
Program 7-6: Develop an affordable ADU rental program that matches low-income tenants who have experienced displacement from areas outside of Portola Valley due to increasing rents with Portola Valley ADU owners willing to rent ADUs at below market rates. Assess every two years if the number of very low- and low-income ADUs is meeting the Town's 6 th cycle RHNA goals. If not, provide the following incentives: <ul style="list-style-type: none">▪ Provide incentives to homeowners to rent to Housing Choice Voucher Program (previously Section 8) and low-income households (like waiving fees or offering another financial incentive).	Use of Affordable Housing Trust Funds may be necessary for incentives.		Medium
Program 7-7: Prepare pre-approved preliminary floor plans for ADUs and JADUs that are made available to property owners. These pre-approved floor plans would only require minimal additional engineering to account for the unique topography of sites and would significantly decrease the level of effort required of property owners in designing and permitting a JADU or ADU. Assess every two years if ADU and JADU production is meeting the Town's 6 th cycle RHNA goals. If not, offer expedited plan check for ADU and JADU applications and organize a meeting with property owners that have constructed ADUs and interested property owners to understand the challenges and provide additional resources, as feasible to encourage ADU/JADU applications.	May be opportunity to collaborate with other cities/towns in San Mateo County on ADU Center	\$25,000 per year if Countywide Collaboration	Low or Medium, depending on County effort
Program 7-8: Update Town's ADU ordinance regularly to comply with State law.	Town Attorney in collaboration with Planning Staff		Medium, expect almost annual update

<p>Program 8-1: To comply with State law (SB 520), the Town adopted written Reasonable Accommodation Procedures within Chapter 18.11 of the Town's Code of Ordinances. The Town will continue to analyze existing land use controls, building codes, and permit and processing procedures to determine constraints they impose on the development, maintenance, and improvement of housing for persons with disabilities. The Town hands out informational brochures and includes information on the Towns website to inform residents of the Reasonable Accommodation Procedures.</p>	<p>Evaluate regulations every three years and update as needed</p>		<p>Low</p>
<p>Program 8-2: Due to clarifications of California law relative to transitional and supportive housing, the Town's municipal code needs to be amended so that it is fully compliant. In order to comply, the new multi-family and mixed-use zoning districts need to allow supportive housing by-right in zones where multi-family and mixed uses are permitted, pursuant to Government Code Section 65651 (SB 745 and AB 2162).</p>	<p>Completed, no action needed</p>		
<p>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)).</p>	<p>Included with HE budget</p>		
<p>Program 8-4: Incentivize developers through development standards concessions or fee waivers/reductions to increase the number of accessible units beyond the federal requirement of 5% for subsidized developments.</p>	<p>Research and implement best practices</p>		<p>Low</p>
<p>Program 8-5: Rezone properties in Town to allow multi-family housing with a range of affordability levels and deed restrictions to ensure affordability over time. Affirmatively market the housing to households that are under-represented in Town including Black and Hispanic households. Address fair housing contributing factors relating to a lack of affordable housing, and a lack of moderate- and high-density development.</p>	<p>Rezoning underway. Work with project applicants on their marketing. Impose conditions of approval on projects to implement.</p>		<p>Low</p>
<p>Program 8-6: Through collaboration with local service providers, convene a discussion of populations that are experiencing comparatively high rates of cost burden to discuss solutions for relief. Consider a rental assistance program tailored</p>	<p>Coordinate with Race &Equity Committee.</p>	<p>Shared Housing Staff</p>	<p>Low</p>

to extremely high cost-burdened residents. This may be in coordination with ADU/JADU programs. Include Black, Indigenous and people of color in these conversations. Address fair housing contributing factors relating to a lack of affordable housing.	Potential to coordinate with other cities/towns		
Program 8-7: Collaborate with other cities/towns and Project Sentinel, or another similar organization, to perform fair housing training for property owners, real estate agents, and tenants across the region. The training would include information on reasonable accommodation and source of income discrimination, as well as other fair housing information with emphasis on certain topics driven by housing complaint data and information from stakeholders. Participation in fair housing training will be required for approval of landlords' business licenses. Focus enforcement efforts on race-based discrimination and reasonable accommodations, with the goal of improving knowledge about how to recognize and challenge discrimination in order to increase loans to people of color and persons with disabilities. Address fair housing contributing factors related to existing patterns of higher loan denial rates for people of color, and a lack of knowledge of fair housing laws and rights in tenants and owners.	Coordinate with Race &Equity Committee. Potential to coordinate with other cities/towns	Shared Housing Staff	Low
Program 8-8: Create a webpage specific to fair housing including resources for residents who feel they have experienced discrimination, information about filing fair housing complaints with HCD or HUD, and information about protected classes under the Fair Housing Act. Address fair housing contributing factors related to a lack of knowledge of fair housing laws and rights in tenants and owners.	One time effort		Low
Program 8-9: Conduct a comprehensive analysis of the Municipal Code to ensure there are no regulatory constraints (actual or perceived) to reasonable accommodation and providing housing for persons with disabilities. Address fair housing contributing factors related to a lack of knowledge of fair housing laws and rights in tenants and owners.	Research, code review, and amendments as needed.		Medium
Program 8-10: Update the Municipal Code to comply with State law and the HCD Group Home Technical Advisory (December 2022) to allow Group Homes of 1-6 persons by-right in single-family residential zones, and Group Homes of 7 or more persons with a use permit with objective findings.	Included with HE scope and budget		

<p>Program 9-1: Work with owners of 4394 Alpine or supportive housing nonprofits to support the development of housing that serves developmentally disabled persons.</p> <ul style="list-style-type: none"> ▪ The owner of the 4394 Alpine Housing Inventory Site has requested greater certainty for applicants of private affordable housing projects seeking to secure grants under the Affordable Housing Fund. This could include, but not be limited to, specific qualifying criteria, applications and application checklists, and benchmarks for allocation of funds based on unit size and/or affordability level. The owner requests that criteria is in place within 180 days of Housing Element adoption. The Town will seek to meet this timeline to the extent feasible. ▪ Create a policy for fee waivers that expressly supports Supportive Housing Projects. ▪ Explore assistance in facilitating infrastructure permitting, including coordination with external agencies (including PGE, WestBay Sanitation, and CalWater) for supportive housing projects. ▪ Consider rezoning 4388 Alpine as multifamily so long as the Willow Commons entitlements are considered vested and/or exempted from any conflicting provisions. 	<p>Council Subcommittee formed</p> <p>TBD</p>		Low
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Table of Meetings and Documents Related to the Housing Element Update

Body	Date	Document Title & Topics	Link(s)	Approximate Discussion Length
Town Council	2/10/21	Discussion of Regional Housing Needs Allocation (RHNA); staff report on p. 70 of packet	Meeting Recording, Summary, Agenda and Minutes	0:24:00 0:26:00 – 0:50:00
Town Council	4/28/21	Town Council direction on proposed Housing Element update work program including formation of Ad Hoc Housing Element Committee, community engagement strategy and appointment of Council subcommittee; staff report on p. 96 of packet	Meeting Recording, Summary, Agenda and Minutes	1:35:00 1:24:00 – 2:59:00
Planning Commission	5/5/21	3. Housing Element Update – Update from Town Council Meeting. p. 23 of packet	Meeting Recording, Summary, Agenda and Minutes	1:00:00 00:49:00 – 1:49:00
Ad Hoc Housing Element Committee	8/16/21	What is a Housing Element and Why is it Important? Why this Committee's work matters, Local and Historical Context. Legal Background. Town Strategic Plan.	Meeting Recording, Summary, Agenda and Minutes	3:08:00
Ad Hoc Housing Element Committee	9/20/21	Values, Decorum and Public Comment	Values Decorum and Public Comment Presentation from September 20 2021	2:51:00

		<p>Organization and Evaluation of Existing Housing Element</p> <p>Portola Valley Demographic and Housing Trends</p> <p>Housing Affordability Income Categories – Deeper Dive</p>	<u>Existing Housing Element Organization Presentation September 20 2021</u> <u>Portola Valley Demographic and Housing Trends (Draft Data) Presentation from September 20 2021</u> <u>Housing Affordability Income Categories Presentation from September 20 2021</u> <u>Meeting Agenda</u> <u>Meeting Minutes</u> <u>Meeting Recording</u>	
Community-Wide Meeting	10/14/21	<p>Presentation: Background and context for the Housing Element update</p> <p>Breakout room discussion: Feedback on Portola Valley's key housing needs and potential solutions through the housing</p>	<u>Recording</u> <u>Meeting Summary</u> <u>Presentation</u>	52:00

		sites inventory and new policies and programs.		
Ad Hoc Housing Element Committee	10/18/21	1. Values, Decorum and Public Comment – Published 2. Introduction to Housing Sites Inventory 3. Housing Sites Inventory Selection – Possible Scenarios 4. Regional Housing Needs Allocation (RHNA) Zoning Target Concept	Housing Sites Scenarios presentation from October 18, 2021 Housing Sites Scenarios detail from October 18, 2021 Meeting Recording Meeting Agenda Meeting Minutes	3:24:00
Joint Town Council and Planning Commission	10/27/21	Discussion of progress on community engagement strategy and feedback to guide the work of the Ad Hoc Housing Element Committee; staff report. p. 75 of packet.	Meeting Recording, Summary, Agenda and Minutes	1:51:00 1:09:00 – 3:00:00
Ad Hoc Housing Element Committee	11/15/21	1. Accessory Dwelling Unit (ADU) Discussion <ul style="list-style-type: none"> • Background, Terminology, History, Income Category Assignment • Recent Town Code amendments • Income Categories and Projections for Cycle 6 2. Feedback from Community Meeting and Town Council/Planning Commission Study Session	ADU Presentation from November 15 2021 Feedback from Community and TC-PC Meetings Presentation from November 15 2021 Meeting Summary for November 15, 2021	3:20:00

		<p>3. Committee Outreach to Community</p> <p>4. Staff Updates/Announcements</p> <ul style="list-style-type: none"> • Topics look ahead • Department of Housing and Community Development (HCD) Staff Visit • SB9 Update • Department of Justice Housing Strike Force • Administrative updates 	Meeting Recording Meeting Agenda Meeting Minutes	
Ad Hoc Committee of Town Committees	1/11/22	Housing Element update discussion; staff memo in meeting packet.	Meeting packet Staff Presentation Recording	1:35:00
Ad Hoc Housing Element Committee	1/18/22	<p>1. Wildfire Resiliency and Recovery – Susan Hartman, Community Development Director, Town of Paradise</p> <p>2. Review Housing Element Update Timeline and Forthcoming Topics</p> <p>a. Interaction between Safety Element and Housing Element Updates</p> <p>3. Fire Safety and the Housing Element</p> <p>a. Fire Risk Mapping Exercise – Zeke Lunder, Pyrogeographer, Deer Creek Resources</p>	Wildfire Resilience and Recovery – Susan Hartman (Town of Paradise) Presentation from January 18 2022 Housing Element and Safety Element Timeline Presentation from January 18, 2022	4:30:00

		b. Fire District Process and Key Considerations - Don Bullard, Fire Marshal, Woodside Fire Protection District	<u>Fire District Process and Key Considerations – Don Bullard (WFPD) Presentation from January 18, 2022</u> <u>Meeting Summary for January 18</u> <u>Meeting Agenda</u> <u>Meeting Recording</u> <u>Meeting Minutes</u>	
Ad Hoc Housing Element Committee	1/31/22	1. Summary of Ad Hoc Committee of Town Committees Meeting #1 – Judith Murphy, Chair 2. Affiliated Housing Program <ul style="list-style-type: none"> a. Current program, partners and next steps 3. Update on SB 9 <ul style="list-style-type: none"> a. Update on December Town Council meeting and contents of SB 9 urgency ordinance 	<u>Affiliated Housing Discussion from January 31 2022</u> <u>SB9 Ordinance from January 31 2022</u> <u>Meeting Summary for January 31</u> <u>Meeting Agenda</u> <u>Meeting Recording</u> <u>Meeting Minutes</u>	3:51:00
Ad Hoc Housing Element Committee	2/22/22	1. Woodside Fire Protection District Update 2. Housing Sites Inventory Part II of III <ul style="list-style-type: none"> a. Process for Committee 	<u>Woodside Fire Protection District Presentation</u>	3:52:00

		<p>recommendations</p> <ul style="list-style-type: none"> b. Review Part I discussion and key takeaways from 10/18/2021 meeting c. Presentation of updated constraints maps d. Review overall Regional Housing Needs Allocation according to income category e. Preliminary discussion on specific sites to include in the Sites Inventory 	Housing Sites Inventory Part II Discussion Meeting Summary for February 22 Meeting Agenda Meeting Recording Meeting Minutes	
Ad Hoc Housing Element Committee	2/28/22	<p>1. Housing Sites Inventory Part III</p> <ul style="list-style-type: none"> a. Review community housing survey results b. Visual presentation of representative varying multi family projects c. Continue discussion from 2/22 Committee meeting to select sites to be included in the Housing Sites Inventory <p>2. Staff to provide updates to Committee</p> <ul style="list-style-type: none"> a. Review forthcoming Committee meeting topics and schedule 	Housing Sites Inventory Part III Discussion from February 28 2022 Potential Housing Sites Potential Housing Sites - Land Use Constraints Maps Parcels 2 Acres or more Housing Element Survey Summary and Detailed Results Visualizing Density from February 28 2022	6:24:00

			<u>Housing Element Update - General Intro from February 28 2022</u> <u>Meeting Summary for February 28</u> <u>Meeting Agenda</u> <u>Meeting Recording Part 1</u> <u>Meeting Recording Part 2</u> <u>Meeting Minutes</u>	
Ad Hoc Housing Element Committee	3/21/22	1. Housing Element Policies and Programs (2 Hours 15 Minutes) a. Review and discuss existing policies and programs from current RHNAC Cycle 5 and new proposed policies and programs for RHNAC Cycle 6	<u>Policies and Programs Discussion from March 21 2022</u> <u>Meeting Summary for March 21</u> <u>Additional Public Comment (see meeting agenda for initial comments)</u> <u>Meeting Agenda</u> <u>Meeting Recording</u> <u>Meeting Minutes</u>	4:05:00

Town Council	3/23/22	Housing Element update discussion – work program, timeline, resources and budget; staff report on p. 126 of packet	Meeting Recording , Summary, Agenda and Minutes	3:14:00 1:46:00 – 5:00:00
Ad Hoc Housing Element Committee	4/18/22	Affirmatively Furthering Fair Housing (AFFH) Policies and Programs; housing sites inventory update and discussion; staff reports in meeting packet	Housing Sites Inventory, Part VI - Presentation El Mirador and Neely Properties Constraints Map Ford Field Constraints Map Policies and Programs - AFFH Presentation Staff Memo - Affirmatively Fair Housing Staff Memo - Housing Sites Inventory Town-Owned Parcels Hazards Composite Map Meeting Packet Meeting Summary Meeting Recording Meeting Minutes	5:42:00

Ad Hoc Housing Element Committee	5/2/22	<p>1. Housing Sites Inventory Update and Discussion</p> <p>a. New work product generated by staff and consultants since April 18th meeting in response to Committee feedback</p> <p>i. Maps and Analysis</p> <p>ii. Update on ADU Focus Group and “Opt In” to Upzoning Meeting</p> <p>b. Committee Discussion and Recommendation On Sites Inventory</p>	Presentation slides Meeting Summary Meeting Agenda Meeting Recording Meeting Minutes	5:06:00
Community-Wide Meeting	5/9/22	<p>Presentation: Previous community outreach and housing sites inventory</p> <p>Breakout Room Discussion: feedback on the site selection, design features of the Opt-In Program, zoning standards for new multifamily development along Alpine Road, and improvements for the ADU/JADU process</p>	Main Room Presentation Breakout Room Presentation Meeting Summary Meeting flyer Recording	1:16:00
Ad Hoc Committee of Town Committees	5/16/22	Housing development application checklist and forthcoming objective design standards; staff memo in meeting packet	Presentation Meeting packet Recording Minutes Summary	2:40:00

Ad Hoc Housing Element Committee	5/24/22	<p>1. Overview of May 16th Committee of Committees Meeting by Chair Judith Murphy</p> <p>2. Partial Draft Housing Element</p> <p>a. Update on ADU/JADU and Opt-in Programs</p> <p>b. Committee Discussion and Recommendations</p> <p>STAFF UPDATE</p> <p>1. Staff updates to Committee</p>	Review Partial Housing Element Update - Presentation Staff Memo (with Attachments) Meeting Summary Meeting Agenda Meeting Recording Meeting Minutes	4:52:00
Planning Commission	6/15/22	Public Review Draft Housing Element	Meeting Recording, Summary, and Agenda	3:52:00
Ad Hoc Housing Element Committee	6/20/22	<p>1. Public Review Draft Housing Element</p> <p>a. Update on Planning Commission review</p> <p>b. Discussion and feedback</p>	Staff Presentation Staff Memo Meeting Summary Meeting Agenda Meeting Recording Meeting Minutes	5:14:00
Planning Commission	6/29/22	Draft Housing Element Discussion	Meeting Recording, Summary, and Agenda	5:18:00
Town Council	7/13/22	7a. Review the Draft Housing Element. p. 31 of packet	Meeting Recording, Summary, Agenda, Minutes and Public Comments	4:46:00 <i>0:34:00 – 5:20:00</i>

Ad Hoc Housing Element Committee	8/15/22	1. Draft Housing Element Update a. Town Council Review - Outcomes b. HCD Submittal Timeline and Expectations c. Next Steps After HCD Submittal and Role of the Committee	Staff Memo Staff Presentation Draft Minutes Ad Hoc Housing Element Committee Agenda 08-15-22 Meeting Recording	2:00:00
Planning Commission	10/19/22	3. Proposed Zoning Code Amendments to Implement the Housing Element. p. 95 of packet	Meeting Recording, Summary, and Agenda	3:09:00 1:14:00 – 4:23:00
Planning Commission	11/2/22	2.. Zoning Code Amendment to Implement the Housing Element – Part 2 p. 14 of packet	Meeting Recording, Summary, and Agenda	3:18:00 1:22:00 – 4:40:00
Ad Hoc Housing Element Committee	11/10/22	1. Draft Housing Element a. Feedback from Housing & Community Development (HCD)- Discussion and Input on Comments b. Next Steps and Role of the Committee 1. Staff updates to Committee a. Environmental Review (IS/MND) Draft Document	Staff Presentation Staff Memo Ad Hoc Housing Element Special Committee Agenda 11-04-22 Meeting Recording Meeting Minutes	2:34:00
Planning Commission	11/16/22	Receive Comments on the Draft Initial Study/Mitigated Negative Declaration	Meeting Recording, Summary, Public	3:08:00

		(IS/NMD) fort the proposed Portola Valley Housing and Safety Elements Update and Conforming General Plan and Zoning Code Amendments	<u>Comments, Agenda and Minutes</u>	
Planning Commission	11/30/22	1. Housing Element Update and Implementing Actions—General Plan Conformance, Voluntary Upzoning Program, Housing Element Programs, Density Bonus Law 2. Implementation of the Housing Element—Draft Zoning Code Amendments Part 3	<u>Meeting Recording, Summary, Agenda and Public Comments</u>	4:02:00
Planning Commission	12/7/22	Housing Element Update and Implementing Actions – General Plan Conformance, Zoning Code Amendments Part 4 and Informational item on Fire Mapping	<u>Meeting Recording, Summary, Agenda and Public Comments</u>	4:10:00
Town Council	12/14/22	6a. Housing Element Update and Discussion. p. 40 of packet	<u>Meeting Recording, Summary, and Agenda</u>	2:06:00 2:39:00 – 4:45:00
Planning Commission	1/24/23	Housing Element Update and Associated Actions: Portola Valley Housing and Safety Elements Update and Conforming General Plan and Zoning Code Amendments Initial Study/Mitigated Negative Declaration; Housing Element Update (2023-2031); Conforming General Plan Amendments; Implementing Zoning Amendments. This	<u>Meeting Recording, Minutes and Agenda</u>	3:39:00

		meeting will focus on the Initial Study/Mitigated Negative Declaration and Response to Comments.		
Town Council	1/25/23	B. Receive Report and Provide Direction on the Housing Element Update and Schedule of Associated Zoning Code Amendments and Other Related Documents	<u>Meeting Recording,</u> <u>Agenda and Summary</u>	1:50:00 2:39:00 – 4:29:00
Town Council	2/8/23	6a. Discuss Colleagues Memo from Councilmembers Hasko and Taylor Entitled “Proposed Process for Implementation of Sunrise Provision of Housing Element”	<u>Meeting Recording,</u> <u>Agenda and Summary</u>	1:36:00 58:00 – 2:34:00
Planning Commission	2/15/23	Adoption of a Resolution Providing a Recommendation that the Town Council Adopt 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; Discussion of Colleagues Memo from Commissioners Targ and Brothers; and Review of Additional Information Requested by Planning Commission	<u>Meeting Recording</u> <u>Agenda and Fire Safety Approaches Slides</u>	4:41:15

Planning Commission	3/6/23	Adoption of a Resolution Providing a Recommendation that the Town Council Adopt the proposed Portola Valley Housing Element and Conforming General Plan Amendments	<u>Meeting Recording and Agenda</u>	4:36:00
Town Council	3/15/23	Study Session on Housing Element Draft #3, Conforming General Plan Amendments, Associated Initial Study/Mitigated Negative Declaration, and Recommendations from the Planning Commission	<u>Meeting Recording and Agenda</u>	3:06:00
All Housing Element Related Meetings				~133 hours

Updated 3-16-23



TOWN OF PORTOLA VALLEY STAFF REPORT

TO: Mayor and Members of the Town Council

FROM: Cara Silver, Town Attorney *Henry*

DATE: March 24, 2023

RE: Approval of Interim Town Manager Employment Agreement and Budget Amendment

RECOMMENDATION

The Council subcommittee consisting of Mayor Aalfs and Council Member Hasko and the Town Attorney recommend that the Town Council approve an employment agreement for Interim Town Manager with Howard Young (Attachment 1) and approve a budget amendment to hire additional consultants during this transition.

BACKGROUND

The Town Council has indicated its desire to retain the services of an Interim Town Manager while it undertakes the process to recruit and retain a permanent Town Manager. Public Works Director Howard Young has indicated his willingness to serve as the Interim Town Manager until a permanent Town Manager can be recruited. Howard Young has been employed by the Town for approximately 20 years and is familiar with its internal operations.

DISCUSSION

A contract has been prepared which is acceptable to Young and is submitted to the Council for its consideration. The financial terms and conditions of the proposed employment agreement are set forth in the agreement. During the term of the agreement, Young will serve jointly as Interim Town Manager and Public Works Director. However, his duties for both positions will be modified to accommodate both roles. The contract contemplates that 60% of his time will be spent on Interim Town Manager duties and 40% on Public Works duties. The Council also contemplates hiring a retired city manager to

assist the town with some of the administrative functions that Young is not able to perform. Additionally, Young is authorized under the agreement to retain additional consultant support to backfill some of the administrative functions of his Public Works duties in the amount of \$50,000 and to hire a consultant to backfill other interim town manager duties in the amount of \$75,000. The contract will last for 6 months but can be modified to account for the needs of the Council. Young will be paid a 10% premium above his current salary (which equates to \$10,951.38 over a six month period) to account for his expanded duties. At the end of the term of the agreement, Young is entitled to return to his role as Public Works Director.

BUDGET AMENDMENT

The budget will be amended to transfer salary savings in the amount \$50,000 to the Public Works consultant budget and \$75,000 to Town Manager consultant budget.

ENVIRONMENTAL REVIEW

The adoption of guidelines is not considered a project under the California Environmental Quality Act (CEQA).

ATTACHMENTS

1. Interim Town Manager Employment Agreement

EMPLOYMENT AGREEMENT INTERIM TOWN MANAGER

THIS AGREEMENT ("Agreement") is entered into and is effective as of March 18, 2023 ("Effective Date"), by and between the TOWN OF PORTOLA VALLEY, a municipal corporation (hereinafter referred to as "Town"), and HOWARD YOUNG (hereinafter referred to as "Young" or "Employee"), with reference to the following facts:

R E C I T A L S

WHEREAS, prior to the Effective Date, Young was employed by the Town as the Town's Public Works Director;

WHEREAS, the Town Council is desirous of employing Young to act as and perform the modified duties of the Interim Town Manager concurrently with the modified duties of Public Works Director; and

WHEREAS, Young in good faith is agreeable to performing the modified duties of Interim Town Manager and Public Works Director under the terms and conditions of this Agreement.

NOW, THEREFORE, THE PARTIES HERETO AGREE AS FOLLOWS:

AGREEMENT

1. **EMPLOYMENT AND SCOPE OF DUTIES.** Town hereby appoints current employee Howard Young to the temporary position of Interim Town Manager, and Young accepts such appointment on the terms and conditions set forth in this Agreement. Young shall perform the following duties and services during the term of this Agreement:

- a. Under the direction and control of the Town Council, Employee shall provide modified services and duties of Interim Town Manager set forth in Exhibit A and such other duties as may be assigned by the Town Council from time to time. Employee shall perform his obligations and responsibilities diligently within the time parameters indicated by the Town Council, applying the highest degree of professionalism, ethics, integrity, and competency to the discharge of every aspect of his obligations.
- b. In addition to the duties of Interim Town Manager, Employee shall also continue to concurrently perform the services and duties of Public Works Director, except the parties acknowledge that such services and duties will be reduced to accommodate Young's additional role as Interim Town

Manager. The parties agree that approximately 40% of Young's time will be allocated to Public Works functions and 60% of the time shall be allocated to Town Manager functions. If the sub-committee and Young desire, this allocation can be modified from time to time. During this Agreement, Young will report to the Town Council, rather than the Town Manager, in his role as Public Works Director. However, the parties anticipate that the Town Council will not be involved in the day-to-day management or contracting of Young's Public Works functions.

- c. Employee shall not make any staff changes in his capacity as Interim Town Manager without consulting with and receiving approval from a sub-committee of the Town Council. This provision shall not prevent Young from promoting or hiring employees within the Public Works department.
 - d. Employee shall not engage in any activity which is or may become a conflict of interest, prohibited contract, or which may create an incompatibility of office as defined under California law. Employee shall comply fully with his reporting and disclosure obligations under regulations promulgated by the Fair Political Practices Commission ("FPPC").
 - e. Employee agrees to remain in the exclusive employ of the Town during the term of this Agreement. Employee shall dedicate his full energies and qualifications to his employment as the Interim Town Manager and shall not engage in any other employment except as may be specifically approved in writing in advance by the Town Council.
 - f. Upon the end of this Agreement Young shall have the right and the parties anticipate that he will resume his full responsibilities as Public Works Director unless he is terminated for cause under Section 6(c). It is acknowledged that once this Agreement is over, Young currently intends to return to his full time duties as Public Works Director. Nothing in this Agreement, however, shall foreclose Young from applying for the permanent Town Manager position nor shall the Town Council be precluded from conducting an external search for such position.
2. TERM. The term of this Agreement shall begin on the Effective Date and shall terminate on (1) September 18, 2023 ("Expiration Date") or (2) upon the start date of a new Town Manager, whichever is earlier; provided, however, that this Agreement may be terminated before the Expiration Date or extended in writing under terms and conditions mutually satisfactory to the parties. In such cases the new date shall be the Expiration Date.
 3. COMPENSATION. For the services to be provided pursuant to this Agreement, Employee shall receive the following compensation and benefits under this Agreement:

Compensation

- a. Compensation. As consideration for his out-of-classification work during the term of this Agreement, Employee shall be paid an additional 10% percentage increase over his current base salary as Public Works Director, which as of March 21, 2023 is \$219,027.60 per year. Further, during the course of this Agreement, Employee's base salary shall be increased by the same percentage and at the same time any discretionary across-the-board increase is granted to the Town's exempt management employees covered by the Town's Compensation Plan (Annual CPI and Merit raise). Employee's salary shall be payable in installments at the same time as other management employees of the Town and in accordance with established Town procedures.

Benefits

- a. Deferred Compensation. In accordance with Section 4.1.3 of the Town's Compensation Plan, the Town shall continue to make a contribution to the deferred compensation account of the Employee equal to five percent (5.0%) of his base salary each pay period provided that the Town's contribution when combined with the employee's contribution does not exceed the maximum annual contribution.
- b. General Benefits. Except as may be otherwise provided herein, Employee shall be provided the compensation and benefits offered to all other department heads as provided for in the Town's Compensation Plan. As used herein, benefits include but are not necessarily limited to, vacation, sick leave, holidays, administrative leave retirement, work from home program, 9/80 work schedule, health insurance, dental insurance, car allowance, long-term disability insurance, and life insurance. Employee shall not be compensated for any hours worked overtime because Employee is exempt from overtime under the Federal Fair Labor Standards Act.
- c. Expense Reimbursement. The Town agrees to budget and pay for or reimburse the Employee for general expenses, dues, subscriptions, travel, and subsistence expenses reasonably incurred by the Employee in the performance of job-related activities, functions, meetings, professional development, and professional conferences; provided, however, that the amount paid under this subsection (d)(i) shall be limited by the amount the Council budgets for such expenditures.
- d. Cash Out of Accrued Leave. Employee shall retain the rights he enjoyed as the Public Works Director under the Compensation Plan in terms of the timing of his right to "cash out" accrued but unused leaves. During the term of this Agreement any cashout shall be at the Employee's current salary rate under this Agreement.

4. **HIRING CONSULTANTS.** During the Term of this Agreement, It is expected that Employee will need to hire additional consultants or temporary employees (collectively “Consultants”) to assist Employee and other Department Heads in performing their duties. Prior to hiring such Consultants, Employee shall consult with and receive approval from a sub-committee of the Town Council to hire such Consultants. Unless authorized by the entire Town Council, the total budget for such Consultants shall not exceed \$75,000 during the Term of this Agreement, unless approved by the Town Council. In addition, Employee shall have the right to hire Public Works Department consultants to backfill the administrative duties of Public Works Director without consulting with the sub-committee provided the total contract amount does not exceed \$50,000.
 5. **PERSONNEL MANUAL.** The Town’s personnel ordinances, resolutions, rules and policies shall apply to the Employee. Employee acknowledges receipt and review of a copy of the Town’s Personnel Policies Manual.
- 6. RESIGNATION AND TERMINATION.**
- a. **Resignation by Employee.** Employee may, upon giving the Town 30 days’ advance written notice, resign his position as Interim Town Manager and return/resume to his full duties as Public Works Director. Any benefits or rights that Employee enjoyed as the Interim Town Manager under this Agreement shall terminate upon the effective date of his resignation.
 - b. **Termination without Cause.** The Town Council has the right, upon thirty (30) days advance written notice to Employee, to terminate Employee at any time during the term of this Agreement without cause. The parties agree that Employee serves at the will of the Town Council. In the event Employee is terminated under this provision, he shall be entitled to resume his full duties as Public Works Director in accordance with Section 6.e below.
 - c. **Termination with Cause.** The Town has the right to immediately terminate this Agreement with Cause (as defined below). If Town terminates this Agreement with Cause, as determined by the affirmative votes of a majority of the members of the Town Council at a regular meeting of the Town Council, Employee shall not be entitled to any additional compensation or payment, except for accrued vacation pay, and any other accrued and unused benefit allowances according to their terms as provided in the Compensation Plan. As used in this Agreement, “Cause” shall only mean any of the following:
 - i. Conviction of, or plea of guilty or no contest to, any crime or offense (other than minor traffic violations or similar offenses) which is likely to have a material adverse impact on the Town or on the Interim Town Manager’s reputation;

- ii. Conviction of any crime involving an “abuse of office or position,” as that term is defined in Government Code Section 53243.4;
- iii. Any negligent action or inaction by Employee that materially and adversely is detrimental to employees or public safety.

Notwithstanding anything in this Agreement to the contrary, if Employee is terminated as the Interim Town Manager for cause as set forth above, then he shall not be entitled to resume the full duties of Public Works Director and his employment with the Town shall also terminate.

- d. Expiration of Employment. Unless sooner terminated hereunder, Employee’s employment as the Interim Town Manager shall terminate on the Expiration Date. However, the parties may extend the term of this Agreement as set forth in Paragraph 2.
 - e. Resumption of Public Works Director Duties. Unless this Agreement is terminated for Cause under Section 6(c), upon the resignation of Employee under Section 6(a), termination without cause under Section 6(b) or the Expiration Date as set forth in Section 2, Employee shall resume and have the right to return to the position of full time Public Works Director. Employee’s salary and benefits shall be adjusted to match that which would have been in effect at the time of return had he not entered into this Agreement and had, during the term of this Agreement, retained and performed all of the duties of his position as Public Works Director. In addition, Employee’s salary and benefits shall be adjusted to take into account any salary increase or benefit addition Employee would have received as Public Works Director had this Agreement not been in effect.
7. COUNCIL CHECK-INS. The Town Council shall meet with the Interim Town Manager at least once every two months during the term of this Agreement to provide feedback and guidance on Interim Town Manager tasks. As part of the check-in, the Town Council, in consultation with Employee, shall define such goals and objectives that they determine to be necessary for the proper operation of the Town and shall further establish a relative priority among the various goals and objectives.
8. GENERAL PROVISIONS.

- a. Notices. Any notice or communication permitted or required by this Agreement shall be in writing and shall become effective on personal delivery or three (3) days after the mailing thereof by certified mail, return

receipt requested; postage prepaid, to either party at Town Hall, 765 Portola Road, Portola Valley, California 94028.

- b. Indemnification. Consistent with the California Government Code, Town shall defend, hold harmless, and indemnify Manager using legal counsel of Town's choosing, against expense or legal liability for acts or omissions by Manager occurring within the course and scope of Manager's employment under this Agreement. This provision shall survive the termination of this Agreement.
- c. Waiver. The waiver of any breach of any provision of this Agreement by either party to this Agreement shall not be deemed to be a waiver of any other provision or subsequent breach hereunder, nor shall any waiver constitute a continuing waiver. No waiver shall be binding unless executed in writing by the party making the waiver.
- d. Construction of Terms. The language of all parts of this Agreement shall be construed according to their plain meaning and shall not be construed for or against either party. Any rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not apply in the interpretation of this Agreement or any amendment or exhibits hereto.
- e. Severability. If any term, provision, covenant, or condition of this Agreement is held by a court of competent jurisdiction to be unenforceable, void or invalid, in whole or in part, for any reason, the remainder of this Agreement shall remain in full force and effect. In the event of such entire or partial invalidity, the parties hereto agree to enter into supplemental or other agreements to effectuate the intent of the parties and the purpose of this Agreement.
- f. Controlling Law. This Agreement shall be construed in accordance with and governed by the laws of the State of California, with venue proper only in the County of San Mateo, State of California.
- g. Entire Agreement. This Agreement constitutes the entire Agreement between the parties pertaining to the matters set forth in this Agreement and supersedes all prior and contemporaneous agreements, representations, promises, and understanding of the parties, whether oral or in writing. No supplement, modification, or amendment of this Agreement shall be binding, unless executed in writing by all parties, and this Agreement may not be altered, amended, or modified by any other means. Each party waives their future right to claim, contend, or assert that this Agreement was modified, canceled, superseded, or changed by any oral agreement, course of conduct, waiver, or estoppel.

- h. Other Terms and Conditions of Employment. The Council, in consultation with the Employee, may fix any such other terms and conditions of employment relating to the performance of the Employee, provided the terms or conditions do not conflict with the provisions of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date first written above.

TOWN OF PORTOLA VALLEY

By: _____

Jeff Aalfs, Mayor

Howard Young

Approved as to form:

Cara Silver, Town Attorney

EXHIBIT A

TOWN OF PORTOLA VALLEY INTERIM TOWN MANAGER

It is understood that this is a list of full duties of the Town Manager which will be modified by the subcommittee and Interim Town Manager to reflect reduced and modified duties for the interim position for flexibility as needed during the interim term. The parties acknowledge that the duties and obligations below will be reduced to accommodate the Interim Town Manager's additional ongoing work as Public Works Director. The subcommittee and Interim Town Manager will work together to prioritize work and duties and recommend to the full Council additional administrative support assistance where needed.

DUTIES AND OBLIGATIONS

The Town Manager shall be the administrative head of the Town government under the direction and control of the Town Council. The Town Manager shall be responsible for the efficient administration of all affairs of the Town and shall assume full management responsibility for all Town operations. The Town Manager shall work with the Town Council to direct the development and implementation of the Town's goals, objectives, policies and priorities. In consultation with the Town Council, the Town Manager shall develop strategic planning processes to guide the future of the Town. The Town Manager shall perform functions directed and assigned by the Town Council.

- A. Performance of Duties. To perform such duties and obligations and exercise such powers as may be delegated to him/her from time to time by ordinance, resolution, or other action of the Town Council. To perform the functions identified in the Portola Valley Municipal Code, including but not limited to the functions of Town Treasurer and Director of Emergency Services.
- B. Attendance at Meetings. To attend all meetings of the Town Council, unless excused therefrom, except when his/her removal is under consideration. To attend, when appropriate, the meetings of Town commissions and committees. To attend and represent the Town at meetings of outside agencies and organizations.
- C. Administration. To provide highly responsible and complex administrative support to the Town Council, including, but not limited to staffing assistance, preparing and presenting staff reports and other necessary documents. To provide staff support to Town commissions and committees. To coordinate Town activities

with those of other cities, counties and outside agencies and organizations.

- D. Authority. To control, order and give direction to all department heads, subordinate officers, and employees of the Town, including those appointed by contract or agreement, except elected officers and the Town Attorney. To appoint, remove, promote, and demote employees of the Town, except the Town Attorney. This function shall be performed under the sub-committee's direction. To recommend to the Town Council such organization of offices, positions and departments as may be indicated in the interests of the efficient, effective, and economical conduct of the business of the Town. To assess and monitor workload, administrative support systems and internal reporting relationships and identify opportunities for improvement. To select, motivate and evaluate personnel and consultants. To resolve personnel concerns and issues unrelated to the Town Manager in accordance with Town policy and to cooperate in the resolution of any concerns and issues related to the Town Manager.
- E. Service Delivery. To monitor and evaluate the efficiency and effectiveness of service delivery methods and procedures and to allocate staffing resources accordingly. To plan direct and coordinate, through staff and consultants, the work plan for the Town. To meet with appropriate staff and consultants to identify and resolve problems. To assess the need for, select and evaluate contract services. To work with, promote and encourage the use of volunteers.
- F. Law Enforcement. To enforce any of the provisions of the Portola Valley Municipal Code or any other ordinance of the Town, or any rule, regulation or order promulgated or issued pursuant to the Portola Valley Municipal Code, and to ascertain that all contracts, permits and privileges granted by the Town are faithfully observed.
- G. Recommendation of Legislation. To recommend to the Town Council for adoption such measures and ordinances as he/she deems necessary or expedient. To monitor State and Federal legislation and recommend appropriate action to the Town Council as needed. To attend and participate in professional group meetings and stay abreast of new trends and innovations in the field of public administration and management.
- H. Finances. To keep the Town Council at all times fully advised as to the financial conditions and needs of the Town. To prepare and submit to the Town Council for its approval the proposed annual budget and the proposed compensation plan. To approve expenditures and implement budgetary adjustments as appropriate and necessary.

- I. Purchases and Expenditures. To purchase all supplies for all the departments or divisions of the Town. No expenditure shall be submitted to the Town Council, except with the report and approval of the Town Manager.
- J. Conduct. To conduct him or herself with due regard to public conventions and morals. To refrain from engaging in any conduct that would reasonably tend to degrade him or herself or bring the Town into public hatred, contempt or ridicule, or tend to offend the community.
- K. Communication. To respond to media inquiries, Town Council concerns, issues and community needs. To respond to and resolve difficult and sensitive citizen inquiries and complaints.



TOWN OF PORTOLA VALLEY

Liaison Memo

TO: Mayor and Members of the Town Council

FROM: Sarah Wernikoff

DATE: March 22 2023

RE: ASCC Meeting 3.13.23

OVERVIEW:

1. Preliminary Architectural Review of addition/remodel at Alpine Inn.

- The building currently includes a 450 SF kitchen addition that was added to the historic structure. The addition is significantly substandard by current standards. The applicant proposes to demolish the 450 SF kitchen and outdoor bar and construct a 968 SF kitchen addition in the same location as the existing lean to and outdoor bar area. The project also includes a new 102 SF walk in cooler and 106 SF outdoor bathroom addition at the rear of the building. Proposed improvements are intended to bring the facility up to code by replacing the kitchen to have code compliant cleaning, dishwashing, and storage areas, upgraded electric and gas services and fire sprinkler installation. The project includes some additional changes to the site including exterior lighting, mechanical equipment pads for upgraded utility and fire sprinkler installation explained further in a later report section. Proposed improvements are intended to improve restaurant efficiency, safety and continue operations; it is not intended to expand the restaurant capacity nor do the proposed conditions require any changes to the governing CUP.
- Commissioner feedback was supportive, including the following comments: "impressed with the proposal," "very good recommendations," and "it's an obvious improvement."
- ASCC commissioners requested applicant review plans with the chair and vice chair of the Parks and Rec Committee as the next step.
- Item also included a very preliminary conversation about a potential future request for access from the rear parking area to Alpine Road to improve circulation and safety.



TOWN OF PORTOLA VALLEY

Liaison Memo

TO: Mayor and Members of the Town Council

FROM: Sarah Wernikoff

DATE: Wednesday, April 12, 2023

RE: Parks & Rec Meeting 3.21.23

OVERVIEW:

1. Court Usage/Reservation Policy
 - a. Proposed policy:
 - i. Weekend policy (3-month trial): Pickleball prioritized Sat PM and Sun AM, tennis prioritized Sat AM and Sun PM.
 - ii. Any court may be used by a non-priority group UNTIL someone from the priority group shows up to play or has a reservation.
 - iii. Non-residents may ONLY make “same” day reservations, and they will have court usage visibility on Skedda.
 - iv. Sport court is not reservable.
 - b. Decision: Committee decided to defer vote to collect feedback from tennis community
2. Skateboard Ramp – pros/cons discussed, to be continued
3. Proposal for Simplifying and Clarifying Committee Operations – broad overview by Patty, to be continued
4. Trivia Night Proposal – Sat May 13th, goal of 50-75 participants, 5 rounds of 10 questions each, costs absorbed by P&R budget surplus, no ticket sales
5. Dog Park Proposals – no immediately viable options, to be continued
6. Hawthorns Property Planning – update from Midpen meeting
7. CA State Grant – no updates
8. Donated Horse Sculpture – no updates
9. Parking at Rossotti’s – Chair gave update of meeting with Alpine Inn



TOWN OF PORTOLA VALLEY

Liaison Memo

TO: Mayor and Members of the Town Council

FROM: Sarah Wernikoff

DATE: Wednesday, March 22 2023

RE: PVSD Monthly Meeting 3.14.23

OVERVIEW:

1. Discussed implications of Stanford Wedge property assessment and tax issues. Next step is outreach to Stanford team.
2. Gratitude and well wishes to Jeremy from PVSD partners.