



TOWN OF PORTOLA VALLEY

STAFF REPORT

TO: Mayor and Town Council

FROM: Laura Russell, Planning & Building Director

DATE: January 25, 2023

RE: Housing Element Update and Discussion

RECOMMENDATION

Staff recommends that the Town Council receive a report, take public comment, and provide direction on the Housing Element Update and schedule of associated zoning code amendments and other related documents.

BACKGROUND

The Housing Element is part of Portola Valley's General Plan and identifies policies and programs to meet the housing needs of the Town's current and future residents. State law (Government Code Sections 65580-65589.8) requires that every city/town and county in California adopt a Housing Element approximately every eight years. Portola Valley's current Housing Element covers the planning period from 2014-2022 and was adopted in 2015. The new Housing Element will cover 2023-2031 and is called the 6th Cycle. In addition, the State Department of Housing and Community Development (HCD) reviews and certifies that each jurisdiction's Housing Element meets all the requirements of the law.

State law establishes a due date of January 31, 2023 for the Housing Element to be adopted by the Town and certified by HCD. After that, there is a 120-day period for the Town to work with HCD on certification.

In June 2022, the Town released the Public Review Draft Housing Element. It was made available online at www.portolavalley.net/housingelement, distributed to the community through the Town's website, eNotification (over 450 members), PV Forum, social media, and direct email to the Town's committee members, businesses, and institutions. Town committees were invited to discuss the Housing Element. Public comments were received from June 8th to July 13th and forwarded to the Town Council for review.

After Town Council review on July 13th and final revisions at the direction of a Council Subcommittee, the [Initial HCD Draft Housing Element](#) was sent to the State for review. After

completion of the 90-day review period, the Town received the official [HCD Comment Letter](#) on November 9th. The Ad Hoc Housing Element Committee met on November 10th to discuss how to implement the comments.

DISCUSSION

On [March 23, 2022](#), Town Council received a staff report on the status of the Housing Element Update process, consequences of non-certification, the work plan, and timing. At that time, the Town Council directed staff to complete the Housing Element, zoning code amendments, environmental analysis, conforming General Plan amendments and associated work prior to January 31, 2023. There was acknowledgement that it would be very challenging to meet that timeline but that every effort should be made. In response to that direction, the staff/consultant team have been developing technical work and bringing it through a public review process with the Planning Commission.

On [December 14, 2022](#), Town Council received an update on recent progress on the Housing Element update and the timeline for completion. At that time, Council continued their general direction to complete the Housing Element by the end of January if possible.

During the November and December 2022 public meetings, the Town Council, Planning Commission and residents raised a number of questions and concerns related to the Housing Element and associated zoning code amendments. Staff has been conducting direct outreach to property owners and residents to answer questions and address concerns. Additionally, Planning Commissioners and members of the public asked for additional participation by the Fire Marshal in the Housing Element adoption meetings. Significant progress has been made on these efforts; however, this additional work required more time so it is no longer possible for the Town to adopt the Housing Element by January 31, 2023.

In light of the Town Council's previous interest in adopting the Housing Element as quickly as possible to avoid possible consequences, staff has considered an alternative approach and is seeking direction from Council on next steps. Since the Housing Element update began, the work program has included a concurrent update to the zoning code to be consistent with the Housing Element. At their March 23, 2022 meeting, Town Council affirmed the desire to complete the zoning code amendments at the same time as the Housing Element. Since the interests of the community have continued to evolve since that time, the Council may wish to consider completing the Housing Element as quickly as possible and waiting on the implementing zoning code amendments until after Housing Element adoption. Key aspects of this approach are as follows:

- Continue with timely review and adoption of the Housing Element, associated Conforming General Plan Amendments and Initial Study/Mitigated Negative Declaration (IS/MND) required under the California Environmental Quality Act (CEQA)
- After adoption of the Housing Element, continue with the Planning Commission review of the zoning code amendments that are currently underway

- Continue with timely review and adoption of zoning code amendments in months immediately following adoption of Housing Element
- Potential advantages-
 - Would allow the community to focus more on the Housing Element then transition to the zoning code, rather than trying to complete both at the same time
 - Additional time for two new Planning Commissioners to get up to speed on the zoning code amendments prior to acting
 - Assumption that adoption of the Housing Element would go more quickly, reducing the time the Town is susceptible to consequences of an incomplete Housing Element
- Potential disadvantages-
 - Loss of momentum in process
 - If a multi-family housing project application is filed on an undeveloped housing inventory site during the interim period, the only applicable development standards would be those contained in the general plan and housing element. (Staff has tried to minimize this potential impact by incorporating key development standards into the Housing Element itself.)
 - Separating the zoning from the Housing Element may make it more difficult for residents and decision makers to visualize the proposals in the Housing Element and the development that may occur
 - Need to make minor changes to the Housing Element languages that call for concurrent adoption of zoning code amendments
- Potential schedule for this approach-
 - January 24 Planning Commission - on IS/MND Response to Public Comments
 - January 25 Town Council - (this meeting) to consider approach on zoning amendments
 - Week of February 6 - special Planning Commission meeting if needed
 - February 15 Planning Commission – formal recommendation on Housing Element, Conforming General Plan Amendments, and IS/MND
 - Late February Town Council – consideration of Housing Element, Conforming General Plan Amendments, and IS/MND, multiple meetings if needed
 - March Planning Commission resumes work on zoning code amendments for recommendation to Town Council
 - TBD Town Council consideration of zoning code amendments

Alternatively, the Town Council may wish to continue the concurrent approach and direct staff to prepare the zoning code amendments for adoption at the same time as the Housing

Element. Under this approach, adoption of the Housing Element will likely take longer, as the Planning Commission still needs to address several zoning issues. While it is difficult to estimate, staff estimates that this approach would take an additional two months, assuming no additional major issues are raised during the process.

In conclusion, staff requests direction on the approach to timing of the zoning code amendments. Should the zoning code amendments follow adoption of the Housing Element, Conforming General Plan Amendments and IS/MND to expedite the adoption of the Housing Element to avoid potential consequences? Or should all elements of the Housing Element update work program (with the exception of the Safety Element which is currently being reviewed by multiple committees and is therefore on a separate timeline) remain concurrent even if that takes longer?